

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII
3
4 UNITED STATES OF AMERICA,)
5 Plaintiff,)
6 vs.)
7 MICHAEL J. MISKE, JR.,)
8 Defendant.)
 _____)

9
10 TRANSCRIPT OF JURY TRIAL (DAY 48)
11 BEFORE THE HONORABLE DERRICK K. WATSON,
12 CHIEF UNITED STATES DISTRICT COURT JUDGE

13 APPEARANCES:

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United States District Court
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

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3 JACOB SMITH

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1 April 11, 2024 8:35 a.m.

08:35AM 2 THE CLERK: Criminal Number 19-00099-DKW-KJM, United

08:35AM 3 States of America versus Michael J. Miske, Jr.

08:35AM 4 This case has been called for jury trial, day 48.

08:35AM 5 Counsel, please state your appearances for the record.

08:35AM 6 MR. INCIONG: Good morning, Your Honor. Mark Inciong,

08:35AM 7 Michael Nammar, and KeAupuni Akina for the United States.

08:35AM 8 Aislinn Affinito is also present today, along with special

08:35AM 9 agent Thomas Palmer and Kari Sherman. Good morning.

08:35AM 10 THE COURT: Good morning.

08:35AM 11 MR. KENNEDY: Good morning, Your Honor. Michael

08:35AM 12 Kennedy with Lynn Panagakos, Michael Miske, Ashley King, and

08:35AM 13 Josh Barry. Good morning to you. Good morning to all of you.

08:35AM 14 THE COURT: Good morning. Good morning to the 16

08:35AM 15 persons on our jury. Counsel, you may be seated. Thank you.

08:35AM 16 We are ready to go. And thank you for being on time as always.

08:35AM 17 The government may call its next witness.

08:35AM 18 MR. NAMMAR: United States calls Jacob Smith.

08:36AM 19 THE CLERK: Please raise your right hand.

08:36AM 20 JACOB SMITH,

08:36AM 21 called as a witness, having been first duly sworn, was examined

08:36AM 22 and testified as follows:

08:36AM 23 THE CLERK: Please state your full name, spelling your

08:36AM 24 last name for the record.

08:36AM 25 THE WITNESS: Jacob Smith, S-M-I-T-H.

08:36AM 1 DIRECT EXAMINATION

08:36AM 2 BY MR. NAMMAR:

08:36AM 3 Q Good morning, Mr. Smith.

08:36AM 4 A Good morning, Mr. Nammar.

08:36AM 5 Q Can you make sure that the microphone is close to you when

08:36AM 6 you talk so we can hear what you are saying.

08:36AM 7 How old are you?

08:36AM 8 A I'm 30 right now.

08:36AM 9 Q And are you currently incarcerated?

08:36AM 10 A Yes.

08:36AM 11 Q Where?

08:36AM 12 A At FDC Honolulu.

08:36AM 13 Q And how long have you been there?

08:36AM 14 A Since 2018.

08:36AM 15 Q About how old were you when you went in?

08:36AM 16 A 24, 25.

08:36AM 17 Q Have you pled guilty to racketeering conspiracy?

08:36AM 18 A Yes.

08:36AM 19 Q Were you represented by an attorney when you pled guilty?

08:36AM 20 A Yes.

08:36AM 21 Q Did you sign a plea agreement as part of that case?

08:36AM 22 A Yes.

08:36AM 23 Q In your plea agreement, did you agree to conspiring with

08:37AM 24 others to break the racketeering laws?

08:37AM 25 A Yes.

08:37AM 1 Q Who did you agree to conspire with, among other people?

08:37AM 2 A Me, Mike, Lance, Johnnie, Frankie.

08:37AM 3 Q Okay. You say Lance -- well, you say Mike.

08:37AM 4 Who is that?

08:37AM 5 A Mike Miske.

08:37AM 6 Q And Johnnie, who is that?

08:37AM 7 A Stancil.

08:37AM 8 Q And Lance, who is that?

08:37AM 9 A Bermudez.

08:37AM 10 Q Frankie, who is that?

08:37AM 11 A Silva.

08:37AM 12 Q Have you heard of someone by the name of Dae Han?

08:37AM 13 A Yes.

08:37AM 14 Q Do you agree with him as well?

08:37AM 15 A Yes.

08:37AM 16 Q What's his last name?

08:37AM 17 A Moon.

08:37AM 18 Q As part of your plea agreement, did you admit that you

08:37AM 19 agreed to commit certain racketeering acts?

08:37AM 20 A Yes.

08:37AM 21 Q Was arson one of those?

08:37AM 22 A Yes.

08:37AM 23 Q Was chemical weapons attacks one of those?

08:37AM 24 A Yes.

08:37AM 25 Q Was murder for hire one of those?

08:37AM 1 A Yes.

08:37AM 2 Q Was robbery one of those?

08:37AM 3 A Yes.

08:37AM 4 Q Was extortion one of those?

08:38AM 5 A Yes.

08:38AM 6 Q Was drug trafficking one of those?

08:38AM 7 A Yes.

08:38AM 8 Q Did you also plead guilty to another count, which was

08:38AM 9 being part of a drug trafficking conspiracy?

08:38AM 10 A Yes.

08:38AM 11 Q What was that count?

08:38AM 12 A Conspiracy to distribute methamphetamine.

08:38AM 13 Q When were you arrested?

08:38AM 14 A August of 2018.

08:38AM 15 Q Did you start cooperating the day you were arrested?

08:38AM 16 A Yes.

08:38AM 17 Q Why are you cooperating?

08:38AM 18 A To get back home to my family; do the right thing.

08:38AM 19 Q You say family. Do you have children?

08:38AM 20 A Yes.

08:38AM 21 Q How many?

08:38AM 22 A Two.

08:38AM 23 Q How old are they?

08:38AM 24 A Nine and seven.

08:38AM 25 Q Have you been sentenced yet?

08:38AM 1 A No.

08:38AM 2 Q Have any promises been made to you about what sentence
08:38AM 3 you'll receive?

08:38AM 4 A No.

08:38AM 5 Q Who do you understand that your sentence is up to?

08:39AM 6 A Up to the judge.

08:39AM 7 Q What do you understand to be the maximum penalty you're
08:39AM 8 facing for the racketeering conspiracy charge?

08:39AM 9 A 20 years.

08:39AM 10 Q What about your drug charge? What do you understand to be
08:39AM 11 the maximum penalty you are facing for that?

08:39AM 12 A Life.

08:39AM 13 Q What do you understand to be the minimum penalty for that
08:39AM 14 charge?

08:39AM 15 A Ten.

08:39AM 16 Q Do you have a cooperation provision in your plea
08:39AM 17 agreement?

08:39AM 18 A Do I have a cooperation?

08:39AM 19 Q Yeah. Does your plea agreement require you to cooperate?

08:39AM 20 A Yes.

08:39AM 21 Q What does your plea agreement say about telling the truth?

08:39AM 22 A Everything I say has to be truthful.

08:39AM 23 Q Why are you cooperating? Are you hoping for leniency?

08:39AM 24 A Yes.

08:39AM 25 Q Do you understand that no promises have been made to you

08:39AM 1 as far as a motion to reduce your sentence?

08:39AM 2 A Yes.

08:39AM 3 Q And even if such a motion is filed, who do you understand

08:40AM 4 that your sentence is ultimately up to?

08:40AM 5 A Up to the judge.

08:40AM 6 Q Where did you grow up?

08:40AM 7 A In Kaneohe.

08:40AM 8 Q What side of the island is that on?

08:40AM 9 A The east.

08:40AM 10 Q Where did you go to school?

08:40AM 11 A I went to KCA, Kailua Christian.

08:40AM 12 Q When did you graduate?

08:40AM 13 A 2011.

08:40AM 14 Q And when you were growing up, were you competing in any

08:40AM 15 sports?

08:40AM 16 A Yes, I was competing in Taekwondo and kickboxing.

08:40AM 17 Q And did you have extensive training in those sports?

08:40AM 18 A Yes.

08:40AM 19 Q Did you travel throughout the country for that?

08:40AM 20 A Yes.

08:40AM 21 Q Were you well-known in Hawaii for that?

08:40AM 22 A Yes.

08:40AM 23 Q After you graduated high school, what did you do for work?

08:41AM 24 A I was working in the mason's union.

08:41AM 25 Q What did you do in the mason's union?

08:41AM 1 A Tile -- tile floors.

08:41AM 2 Q You were laying tile?

08:41AM 3 A Yes.

08:41AM 4 Q In 2015, did you plead guilty to a felony offense?

08:41AM 5 A Yes.

08:41AM 6 Q Which offense?

08:41AM 7 A Burglary.

08:41AM 8 Q After you pled guilty, were you sentenced to some jail

08:41AM 9 time?

08:41AM 10 A Yes.

08:41AM 11 Q Where did you serve that sentence?

08:41AM 12 A In the State, OCCC.

08:41AM 13 Q OCCC is a facility?

08:41AM 14 A Yes.

08:41AM 15 Q It's on Oahu?

08:41AM 16 A Yes.

08:41AM 17 Q And when you -- did you come out in 2015?

08:41AM 18 A Yes.

08:41AM 19 Q And when you came out of prison, did you start hanging out

08:41AM 20 with somebody by the name of John Stancil?

08:41AM 21 A Yes.

08:41AM 22 Q Who did you meet John Stancil through?

08:41AM 23 A Through one of our mutual friends, Koa.

08:42AM 24 Q What was Koa's last name?

08:42AM 25 A Ramos.

08:42AM 1 MR. NAMMAR: Your Honor, can we publish 1-58?

08:42AM 2 THE COURT: Yes, go ahead.

08:42AM 3 BY MR. NAMMAR:

08:42AM 4 Q Thank you. Mr. Smith, do you recognize who is shown in
08:42AM 5 this picture?

08:42AM 6 A Yes.

08:42AM 7 Q Who is it?

08:42AM 8 A Johnnie.

08:42AM 9 Q Johnnie Stancil?

08:42AM 10 A Yes.

08:42AM 11 Q This is one of the persons that you would hang out with?

08:42AM 12 A Yes.

08:42AM 13 Q Where does he live?

08:42AM 14 A Waimanalo.

08:42AM 15 Q Is that on the east side of the island?

08:42AM 16 A Yes.

08:42AM 17 Q Did he live near you?

08:42AM 18 A Not near me, but we were always around the same area.

08:42AM 19 Q Okay. Around the same time, did Mr. Stancil introduce you
08:42AM 20 to somebody by the name of Wayne Miller?

08:42AM 21 A Yes.

08:43AM 22 Q Who was that?

08:43AM 23 A That was one of the boys, and he used to take care of me a
08:43AM 24 little bit. It was just somebody that I was around.

08:43AM 25 Q How would Mr. Miller take care of you?

08:43AM 1 A He would give me money, pay for my hotels, pay for my food
08:43AM 2 and stuff, after I went to jail the first time.

08:43AM 3 Q This is when you first came out of jail in 2015?

08:43AM 4 A Yes.

08:43AM 5 MR. NAMMAR: Your Honor, could we publish 1-43?

08:43AM 6 THE COURT: Go ahead.

08:43AM 7 BY MR. NAMMAR:

08:43AM 8 Q Mr. Smith, do you recognize who is shown in 1-43?

08:43AM 9 A Yes.

08:43AM 10 Q Who is that?

08:43AM 11 A Miller.

08:43AM 12 Q Did Miller have a nickname?

08:43AM 13 A Mills.

08:43AM 14 Q Did Mr. Stancil introduce you to his brother?

08:43AM 15 A Yes.

08:43AM 16 Q Who is that?

08:43AM 17 A Mike.

08:43AM 18 Q Mike Miske?

08:43AM 19 A Yes.

08:43AM 20 Q Do you see Mr. Miske in the courtroom?

08:43AM 21 A Yes.

08:43AM 22 Q Can you pick him out and tell us what he is wearing?

08:44AM 23 A He is wearing a gray coat right there.

08:44AM 24 MR. NAMMAR: May the record reflect that the witness
08:44AM 25 has identified the defendant.

08:44AM 1 THE COURT: Yes. The record should reflect the
08:44AM 2 witness, Mr. Smith's identification of the defendant,
08:44AM 3 Mr. Miske.

08:44AM 4 BY MR. NAMMAR:

08:44AM 5 Q What did you understand when you -- did you proceed to
08:44AM 6 form a relationship with Mr. Miske?

08:44AM 7 A What was the question?

08:44AM 8 Q Did you start hanging out with Mr. Miske a lot as well?

08:44AM 9 A Yes.

08:44AM 10 Q And did you get to know him fairly well?

08:44AM 11 A Yes.

08:44AM 12 Q What did you think as far as his wealth?

08:44AM 13 A I knew that he was a very wealthy man.

08:44AM 14 Q Did you know whether or not he ever gave financial
08:44AM 15 assistance to Mr. Stancil?

08:44AM 16 A He would help Mr. Stancil.

08:44AM 17 Q Would the term "allowance" be accurate?

08:44AM 18 A Yes.

08:44AM 19 Q What makes you say that?

08:44AM 20 A He would help Johnnie. He would give Johnnie money every
08:45AM 21 week.

08:45AM 22 Q Would you see that, being paid?

08:45AM 23 A Yeah.

08:45AM 24 Q What did you understand that Mr. Miske did for work as far
08:45AM 25 as businesses go?

08:45AM 1 A He owned a termite company, owned Makana Pacific.

08:45AM 2 Q Did he do anything with a nightclub?

08:45AM 3 A He owned the M Nightclub. He was involved with the

08:45AM 4 movies.

08:45AM 5 Q What did you think Makana Pacific was?

08:45AM 6 A A construction company.

08:45AM 7 Q When you say movies, how was Mr. Miske involved in the

08:45AM 8 movies?

08:45AM 9 A I'm not sure. I just know he used to work at the movies.

08:45AM 10 Q Okay. Through Johnnie Stancil, did you also meet someone

08:45AM 11 named Frankie?

08:45AM 12 A Yes.

08:45AM 13 Q Who is that?

08:45AM 14 A He was another person who was running around with us doing

08:45AM 15 robberies.

08:45AM 16 Q What was his last name?

08:45AM 17 A Silva.

08:45AM 18 Q Did you also meet somebody by the name of Lance?

08:45AM 19 A Yes.

08:45AM 20 Q What was his last name?

08:46AM 21 A Bermudez.

08:46AM 22 Q Was that also through John Stancil?

08:46AM 23 A Yes.

08:46AM 24 Q What was Lance's nickname?

08:46AM 25 A Hammah.

08:46AM 1 Q Do you know why he got that nickname?

08:46AM 2 A Because he couldn't fight. He threw hammer fists.

08:46AM 3 Q What's a hammer fist?

08:46AM 4 A He struck down like this when he punched.

08:46AM 5 Q Like if you were going to hammer in a nail, he would do
08:46AM 6 that with his fist?

08:46AM 7 A Yes.

08:46AM 8 MR. NAMMAR: Your Honor, could we publish 1-896 from
08:46AM 9 the original list.

08:46AM 10 THE COURT: Go ahead.

08:46AM 11 BY MR. NAMMAR:

08:46AM 12 Q Thank you. Mr. Smith, do you recognize who is shown in
08:46AM 13 this photo?

08:46AM 14 A Yes.

08:46AM 15 Q Who is that?

08:46AM 16 A Frankie Silva.

08:46AM 17 MR. NAMMAR: And can we publish 1-34 from the original
08:46AM 18 list.

08:46AM 19 THE COURT: 34?

08:46AM 20 MR. NAMMAR: Yes.

08:47AM 21 THE COURT: Go ahead.

08:47AM 22 BY MR. NAMMAR:

08:47AM 23 Q Mr. Smith, do you recognize who is in 1-34?

08:47AM 24 A Yes.

08:47AM 25 Q Who is that?

08:47AM 1 A Lance.

08:47AM 2 Q Also known as Hammah?

08:47AM 3 A Yes.

08:47AM 4 Q You said Frankie and Lance were robbing?

08:47AM 5 A Yes.

08:47AM 6 Q Can you tell the jury what that means?

08:47AM 7 A We were targeting other drug dealers and we were robbing
08:47AM 8 them. We were taking their drugs; taking their money.

08:47AM 9 Q Why were you targeting drug dealers?

08:47AM 10 A Because we weren't trying to do it to anybody that wasn't
08:47AM 11 selling drugs, or somehow in the game. We felt they wouldn't
08:47AM 12 tell because they were doing illegal things too.

08:47AM 13 Q You felt like they wouldn't tell?

08:47AM 14 A Uh-huh.

08:47AM 15 Q Tell who?

08:47AM 16 A Law enforcement.

08:47AM 17 Q Did you end up -- so you ended up meeting Frankie and
08:47AM 18 Lance through Johnnie Stancil.

08:48AM 19 Did you end up doing a number of robberies with them
08:48AM 20 in the future?

08:48AM 21 A Yes.

08:48AM 22 Q For a lot of those robberies, did someone provide you with
08:48AM 23 intelligence for the robberies?

08:48AM 24 A Yes.

08:48AM 25 Q What kind of intelligence?

08:48AM 1 A He would let us know when they were wearing jewelry or
08:48AM 2 when they had drugs.
08:48AM 3 Q Who was that person?
08:48AM 4 A Johnnie.
08:48AM 5 Q And how would Johnnie -- this is Johnnie Stancil?
08:48AM 6 A Yes.
08:48AM 7 Q How would Johnnie Stancil get that intelligence?
08:48AM 8 A Through social media or mutual friends.
08:48AM 9 Q How would he get it through social media?
08:48AM 10 A He would follow them on Instagram -- their Instagram live,
08:48AM 11 if they were showing a lot of stuff.
08:48AM 12 Q Did you see him on Instagram a lot?
08:48AM 13 A Yes.
08:48AM 14 Q What is Instagram live?
08:48AM 15 A It's like a live feed on their Instagram of what they are
08:49AM 16 doing at that time.
08:49AM 17 Q Would he then provide you with details about the targets
08:49AM 18 for robberies?
08:49AM 19 A Yes.
08:49AM 20 Q Like what kind of details?
08:49AM 21 A He would let us know what they were wearing, where they
08:49AM 22 are at, if they are at a restaurant, he would let us know what
08:49AM 23 restaurant they are at and we would go from there.
08:49AM 24 Q And why were you guys committing these robberies? What
08:49AM 25 was the purpose?

08:49AM 1 A To make money.

08:49AM 2 Q Would you sometimes give money to Mr. Stancil when he gave
08:49AM 3 you intelligence?

08:49AM 4 A It depends. But yeah, if he was behind it, we would.

08:49AM 5 Q Did you ever target individuals because of the jewelry
08:49AM 6 they had?

08:49AM 7 A Yes.

08:49AM 8 Q What jewelry specifically were you looking for?

08:49AM 9 A Chains.

08:49AM 10 Q Did you ever target pimps?

08:49AM 11 A Yes.

08:49AM 12 Q Why did you target pimps?

08:49AM 13 A Because they were -- usually had a lot of money and
08:50AM 14 jewelry on them.

08:50AM 15 Q And did you also feel like, with drug dealers, that they
08:50AM 16 were less likely to call the police?

08:50AM 17 A Yes.

08:50AM 18 Q So Johnnie introduces you to Frankie and Lance.

08:50AM 19 Do you recall the first robbery that you did with
08:50AM 20 those individuals?

08:50AM 21 A Yes.

08:50AM 22 Q Was it a tryout of sorts?

08:50AM 23 A Yes.

08:50AM 24 Q Did you make the team?

08:50AM 25 A Yes.

08:50AM 1 Q Have you heard of the term "hungry"?

08:50AM 2 A Yes.

08:50AM 3 Q What does that mean?

08:50AM 4 A It meant we were looking for somebody to rob.

08:50AM 5 Q Looking for work?

08:50AM 6 A Yes.

08:50AM 7 Q Illegal work?

08:50AM 8 A Yes.

08:50AM 9 Q Who came up with the background for -- or who came up with

08:51AM 10 the information for the first robbery that you did with Lance

08:51AM 11 and Frankie?

08:51AM 12 A Me.

08:51AM 13 Q And who was the target?

08:51AM 14 A Jorge Cano.

08:51AM 15 Q How do you know anything about Jorge Cano?

08:51AM 16 A We were in jail together in the state.

08:51AM 17 Q Okay. And what did you know about Jorge Cano?

08:51AM 18 A That he was selling methamphetamine.

08:51AM 19 Q Is that why you guys targeted him?

08:51AM 20 A Yes.

08:51AM 21 Q Where did Jorge Cano live?

08:51AM 22 A Next to the storage on University.

08:51AM 23 Q This is in Honolulu?

08:51AM 24 A Yes.

08:51AM 25 Q Now, when you did these robberies, would you usually be

08:51AM 1 armed?

08:51AM 2 A Yes.

08:51AM 3 Q Would you guys usually have masks on?

08:51AM 4 A Yes.

08:51AM 5 Q Why would you wear masks?

08:51AM 6 A Conceal our identities.

08:51AM 7 Q Were some of the masks that you wore, did you get them

08:51AM 8 from Mr. Stancil?

08:51AM 9 A Yes.

08:51AM 10 Q And when Mr. Stancil -- would he do some of these

08:52AM 11 robberies with you as well?

08:52AM 12 A No, not with me.

08:52AM 13 Q Not with you?

08:52AM 14 A No.

08:52AM 15 Q Nico Carrigan, does that sound familiar?

08:52AM 16 A Oh, yes.

08:52AM 17 Q He did that one with you?

08:52AM 18 A Yes.

08:52AM 19 Q Was he wearing a mask for that?

08:52AM 20 A Yes.

08:52AM 21 Q Would you see Mr. Stancil wearing masks on occasion?

08:52AM 22 A Yes.

08:52AM 23 Q So what happened in the robbery of Jorge Cano?

08:52AM 24 A We pulled down in to the lane. We had to wait for

08:52AM 25 somebody to get to the door. They needed to get buzzed in.

08:52AM 1 One of us put a gun to the guy getting into the apartment, and
08:52AM 2 we went in and kicked in hard his door.

08:52AM 3 Q When you say you put a gun, was that like to a doorman?

08:52AM 4 A Yes.

08:52AM 5 Q And you got access that way?

08:52AM 6 A Yes.

08:52AM 7 Q Was Jorge in his room?

08:52AM 8 A No.

08:52AM 9 Q What did you find in the room?

08:53AM 10 A Bulletproof vests.

08:53AM 11 Q Did you find any drugs?

08:53AM 12 A No.

08:53AM 13 Q Were you armed?

08:53AM 14 A Yes.

08:53AM 15 Q And were the others armed?

08:53AM 16 A Yes.

08:53AM 17 Q Did you ever try to impersonate a police officer during
08:53AM 18 this robbery?

08:53AM 19 A I don't recall.

08:53AM 20 Q Would you sometimes do that?

08:53AM 21 A Yes.

08:53AM 22 Q Why?

08:53AM 23 A Because it made them more cooperative.

08:53AM 24 MR. NAMMAR: Your Honor, can we show the witness only

08:53AM 25 1-898?

08:53AM 1 THE COURT: Go ahead.

08:53AM 2 BY MR. NAMMAR:

08:53AM 3 Q Thank you. Mr. Smith, do you recognize this individual?

08:53AM 4 A Yes.

08:53AM 5 Q Who is that?

08:53AM 6 A Jorge.

08:53AM 7 Q Jorge Cano?

08:53AM 8 A Yes.

08:53AM 9 MR. NAMMAR: Your Honor, I'd move to admit 1-898.

08:53AM 10 THE COURT: Any objection?

08:53AM 11 MR. KENNEDY: No objection.

08:53AM 12 THE COURT: 1-898 is admitted without objection. You

08:53AM 13 may publish.

08:54AM 14 (Exhibit 1-898 was received in evidence.)

08:54AM 15 BY MR. NAMMAR:

08:54AM 16 Q Thank you. Mr. Smith, this was the target of the first

08:54AM 17 robbery that you did with Frankie and Lance?

08:54AM 18 A Yes.

08:54AM 19 Q This is the one you just told us about?

08:54AM 20 A Yes.

08:54AM 21 Q He wasn't there though, right?

08:54AM 22 A No.

08:54AM 23 Q So after this first robbery, were the results reported

08:54AM 24 back to Johnnie?

08:54AM 25 A Yes.

08:54AM 1 Q Did you talk to Johnnie about how it went down?

08:54AM 2 A Yes.

08:54AM 3 Q Was he pleased with what he heard?

08:54AM 4 A Yes.

08:54AM 5 Q And shortly after this particular robbery, did Mr. Stancil

08:54AM 6 introduce you to Mr. Miske for committing a different type of

08:54AM 7 crime?

08:54AM 8 A Yes.

08:54AM 9 Q What type of crime?

08:54AM 10 A Assaults.

08:54AM 11 Q Were you -- did you enter an agreement with Mr. Miske

08:54AM 12 where you essentially were on-call?

08:54AM 13 A Yes.

08:54AM 14 Q Like a doctor?

08:54AM 15 A Yes.

08:54AM 16 Q But different from a doctor, what were you on-call to do?

08:54AM 17 A To assault people.

08:55AM 18 Q How would you get information on who to assault?

08:55AM 19 A Through Mike or through Johnnie.

08:55AM 20 Q Did you commit a number of assaults at Miske's direction

08:55AM 21 and Johnnie's direction over the next couple of years?

08:55AM 22 A Yes.

08:55AM 23 Q Why did you do those assaults?

08:55AM 24 A To make money --

08:55AM 25 Q Did you also do those assaults to elevate your status and

08:55AM 1 maintain your status with Mr. Miske?

08:55AM 2 A Yes.

08:55AM 3 Q Was that important to you?

08:55AM 4 A Yes.

08:55AM 5 Q Is he somebody you looked up to?

08:55AM 6 A He was.

08:55AM 7 THE COURT: Mr. Nammar, could I interrupt you, because
08:55AM 8 I think you cut off Mr. Smith.

08:55AM 9 MR. NAMMAR: Sorry.

08:55AM 10 THE COURT: You asked, "why did you do these
08:55AM 11 assaults?" And he said, "to make money," and he said something
08:55AM 12 else after that, that was not captured by the record.

08:55AM 13 BY MR. NAMMAR:

08:55AM 14 Q Okay. Why did you do the assaults?

08:55AM 15 A To make money. To take care of my family.

08:55AM 16 Q And did you also do them to maintain and elevate your
08:55AM 17 status with Mr. Miske?

08:55AM 18 A Yes, I did.

08:55AM 19 Q That was something that was important to you?

08:55AM 20 A Yes.

08:56AM 21 Q Because if you did these assaults, would you continue to
08:56AM 22 get more work from Mr. Miske?

08:56AM 23 A Yes.

08:56AM 24 Q And this was illegal work?

08:56AM 25 A Yes.

08:56AM 1 Q Later on in your relationship, did you graduate from
08:56AM 2 assaults to committing other crimes?

08:56AM 3 A Yes.

08:56AM 4 Q Some of the crimes you've pled guilty to?

08:56AM 5 A Yes.

08:56AM 6 Q Like murder for hire?

08:56AM 7 A Yes.

08:56AM 8 Q I want to direct you now to January 8, 2016.

08:56AM 9 Did you assault somebody at Cutter Chevy?

08:56AM 10 A Yes.

08:56AM 11 Q Is this the first assault that you did for Mr. Miske?

08:56AM 12 A Yes.

08:56AM 13 Q Who recruited you for this assault?

08:56AM 14 A Johnnie.

08:56AM 15 Q Johnnie?

08:56AM 16 A Johnnie Stancil.

08:56AM 17 Q How did he do that?

08:56AM 18 A He let me know that if I wanted to make money, there was
08:56AM 19 somebody that I could do an assault for Mike.

08:56AM 20 Q Did you know who this person was at the time?

08:56AM 21 A No.

08:57AM 22 Q Were you given a name?

08:57AM 23 A No.

08:57AM 24 Q Did you later find out through Johnnie who this person
08:57AM 25 was; what his name was?

08:57AM 1 A Yes.

08:57AM 2 Q What was his name?

08:57AM 3 A Kawika.

08:57AM 4 Q Was there some preparation work done as far as a vehicle?

08:57AM 5 A Yes.

08:57AM 6 Q What was done?

08:57AM 7 A We got one of those silver Mercedes, an auction car, from

08:57AM 8 the shop, Kama'aina Termite shop. We got some paper plates

08:57AM 9 from the shop. We took one of those auction cars to the Chevy

08:57AM 10 dealership and that's what we did it in.

08:57AM 11 Q What is an auction car?

08:57AM 12 A It's one of the cars they purchased from the auctions.

08:57AM 13 Q Okay. And who purchases those?

08:57AM 14 A Mike or Preston.

08:57AM 15 Q And then when you say auction car, why did you believe it

08:58AM 16 was an auction car?

08:58AM 17 A It was a bunch of cars lined up outside of Kama'aina that

08:58AM 18 were the auction cars, the Hawaii Partners.

08:58AM 19 Q What type of Mercedes was this?

08:58AM 20 A It was a silver E-class.

08:58AM 21 Q And when you got to that vehicle, did it have a hard

08:58AM 22 license plate on it?

08:58AM 23 A It did. We went to the shop, took the license plates off.

08:58AM 24 Mike gave us paper plates and we put the paper plates on them.

08:58AM 25 Q Why did you want to use paper plates?

08:58AM 1 A Because the real license plate probably would have came

08:58AM 2 back to the car.

08:58AM 3 Q Did you and Johnnie discuss a plan before the assault?

08:58AM 4 A Johnnie was supposed to go in, tell the guy that he just

08:58AM 5 bought a new truck from that guy, Kawika, and the check engine

08:59AM 6 light was on. He told me to -- when the guy came out, to get

08:59AM 7 him. And I assaulted him when he came out.

08:59AM 8 Q What were you wearing?

08:59AM 9 A I think I was wearing a hoodie and long pants.

08:59AM 10 Q Would you commonly wear a hoodie?

08:59AM 11 A Yes.

08:59AM 12 Q With the hood up?

08:59AM 13 A Yes.

08:59AM 14 THE COURT: Did you say hoodie and long pants?

08:59AM 15 THE WITNESS: Yes.

08:59AM 16 BY MR. NAMMAR:

08:59AM 17 Q What were your instructions from Mr. Stancil as far as how
08:59AM 18 bad to assault the person?

08:59AM 19 A I was supposed to smash the guy.

08:59AM 20 Q What did smash mean?

08:59AM 21 A I was supposed to knock him out, hurt him.

08:59AM 22 Q Is that something you knew you could do from your training
08:59AM 23 in martial arts?

08:59AM 24 A Yes.

08:59AM 25 Q Do you guys drive over there in the Mercedes E-class?

08:59AM 1 A Yes.

08:59AM 2 Q Do you park right in front of the dealership or do you
08:59AM 3 park somewhere else?

09:00AM 4 A We park kind of off to the side.

09:00AM 5 Q Is this during the day?

09:00AM 6 A Yes.

09:00AM 7 Q Broad daylight?

09:00AM 8 A Yes.

09:00AM 9 Q Did you have a mask on?

09:00AM 10 A No.

09:00AM 11 Q So where do you wait?

09:00AM 12 A I'm waiting around the corner of the -- it was kind of a
09:00AM 13 garage or kind of like a walkway out to the front, and I'm
09:00AM 14 waiting around the corner. Johnnie brings him out and I kick
09:00AM 15 him.

09:00AM 16 Q Where do you kick him?

09:00AM 17 A In the face.

09:00AM 18 Q What do you see happen?

09:00AM 19 A I seen him knock out.

09:00AM 20 Q Can you just tell the jury what you mean by you see him
09:00AM 21 knock out?

09:00AM 22 A I seen him go unconscious.

09:00AM 23 Q He lost consciousness?

09:00AM 24 A Yeah. I seen him drop.

09:00AM 25 Q What do you guys do after that?

09:00AM 1 A We jump back in the car and we drive off. We go back to

09:00AM 2 the shop.

09:00AM 3 Q What happens at the shop?

09:00AM 4 A We take the paper plates off, put the regular plates back

09:00AM 5 on and leave the car in the garage. I get paid by Mike.

09:01AM 6 Q How much does Mike pay you?

09:01AM 7 A Two grand.

09:01AM 8 Q Do you tell Mike what happened?

09:01AM 9 A Yes.

09:01AM 10 Q What was his reaction?

09:01AM 11 A He was happy.

09:01AM 12 Q Were you paid in cash?

09:01AM 13 A Yes.

09:01AM 14 Q Were you paid in cash a number of times by Mr. Miske?

09:01AM 15 A Yes.

09:01AM 16 Q Did he pay you every single time you committed an assault?

09:01AM 17 A Not every time.

09:01AM 18 Q For any of those cash payments, did you ever declare them

09:01AM 19 on your tax returns?

09:01AM 20 A No.

09:01AM 21 Q Was that something that was understood?

09:01AM 22 A Yes.

09:01AM 23 Q That you wouldn't write on your tax returns that you were

09:01AM 24 assaulting people; was that understood?

09:01AM 25 A Yes.

09:01AM 1 Q After the assault, the \$2,000 you got, did you give any of
09:01AM 2 it to Johnnie?

09:01AM 3 A Yes.

09:01AM 4 Q Why did you do that?

09:01AM 5 A Because he helped me get the job.

09:01AM 6 Q The money that you got from this assault and others, do
09:02AM 7 you recall some of the denominations?

09:02AM 8 A Yes.

09:02AM 9 Q What were they?

09:02AM 10 A A thousand dollars, fifteen hundred, two grand.

09:02AM 11 Q How was that payment made up? Was it usually in hundreds
09:02AM 12 or a mix of those?

09:02AM 13 A Sometimes it was in hundreds and sometimes it was in
09:02AM 14 hundreds and a mix of those.

09:02AM 15 Q Did doing this first assault of Kawika help you earn
09:02AM 16 respect with Mr. Miske?

09:02AM 17 A Yes.

09:02AM 18 Q Did it help you get other opportunities for crime like
09:02AM 19 that one with Mr. Miske?

09:02AM 20 A Yes.

09:02AM 21 Q And about three or four weeks later, did you in fact
09:02AM 22 commit another assault for Mr. Miske?

09:02AM 23 A Yes.

09:02AM 24 MR. NAMMAR: Your Honor, can we publish 4-52 at this
09:02AM 25 time from the original list?

09:02AM 1 THE COURT: Yes. Go ahead.

09:03AM 2 BY MR. NAMMAR:

09:03AM 3 Q Thank you. Mr. Smith, do you recognize what's shown up in
09:03AM 4 4-52?

09:03AM 5 A I see the Cutter Chevy dealership we went to.

09:03AM 6 Q Can you circle that? You can circle it with your hand.

09:03AM 7 For the record, you're circling the Chevy Cutter dealership.

09:03AM 8 Is this where you assaulted Kawika?

09:03AM 9 A Yes.

09:03AM 10 Q If we zoom out, do you see on this map where the shop is
09:03AM 11 that you've been talking about, Kama'aina Termite where you
09:03AM 12 picked up the car?

09:03AM 13 A It's on Queen Street.

09:04AM 14 Q What do you recall the cross streets to be?

09:04AM 15 A It's down here.

09:04AM 16 Q Can you mark it?

09:04AM 17 So for the record, you are circling a business near
09:04AM 18 the cross streets of Queen and Ward Street?

09:04AM 19 A Yes.

09:04AM 20 Q What are some of the businesses that you recall being
09:04AM 21 around it?

09:04AM 22 A Sports Authority across, the gun shop next to it. There
09:04AM 23 is Kama'aina over there.

09:04AM 24 MR. NAMMAR: Okay. Can we publish, Your Honor, 4-57?

09:04AM 25 THE COURT: You may.

09:04AM 1 BY MR. NAMMAR:

09:04AM 2 Q Mr. Smith, do you recognize what's on the screen in 4-57?

09:04AM 3 A Not really, no.

09:05AM 4 MR. NAMMAR: Can we publish 4-56?

09:05AM 5 THE COURT: Yes.

09:05AM 6 BY MR. NAMMAR:

09:05AM 7 Q Do you recognize what is shown here?

09:05AM 8 A Yes.

09:05AM 9 Q What is shown in 4-56?

09:05AM 10 A That's the corner I was waiting around at the Chevy
09:05AM 11 dealership where I kicked the first guy, Kawika.

09:05AM 12 Q When you say you were waiting around the corner, where
09:05AM 13 were you waiting?

09:05AM 14 A I was waiting right behind this blue wall right here.

09:05AM 15 Q And around where did you kick Kawika?

09:05AM 16 A As soon as he walked past this fence right here.

09:05AM 17 Q The fence that's shown right here?

09:05AM 18 A Yes.

09:05AM 19 MR. NAMMAR: Your Honor, can we publish 1-897 from the
09:06AM 20 original list?

09:06AM 21 THE COURT: Go ahead.

09:06AM 22 BY MR. NAMMAR:

09:06AM 23 Q Thank you. Mr. Smith, do you recognize this person?

09:06AM 24 A Yes.

09:06AM 25 Q Who is that?

09:06AM 1 A Hanson.

09:06AM 2 Q Did you have conversations with Johnnie Stancil about

09:06AM 3 Hanson?

09:06AM 4 A Yes.

09:06AM 5 Q What did you understand from Johnnie about Hanson?

09:06AM 6 MR. KENNEDY: Objection on hearsay; past narrative,

09:06AM 7 Your Honor.

09:06AM 8 THE COURT: Overruled. Go ahead.

09:06AM 9 BY MR. NAMMAR:

09:06AM 10 Q Go ahead.

09:06AM 11 A That Hanson was doing assaults before me. I basically

09:06AM 12 replaced him when he went to jail.

09:06AM 13 Q So you were Hanson's replacement?

09:06AM 14 A Yes.

09:06AM 15 Q Where was Hanson at the time?

09:06AM 16 A He was in jail.

09:06AM 17 Q We can take that down. I want to take you now to

09:07AM 18 January 25, 2016.

09:07AM 19 Did you do a second assault for Mr. Miske?

09:07AM 20 A Yes.

09:07AM 21 Q Was this also at a dealership?

09:07AM 22 A Yes.

09:07AM 23 Q Where was this dealership located?

09:07AM 24 A It was off of Nimitz.

09:07AM 25 Q Can you think of any businesses that were nearby?

09:07AM 1 A There was Paumalu next to it.

09:07AM 2 Q What is Paumalu?

09:07AM 3 A I'm not sure. It was one of the businesses over there.

09:07AM 4 Q Okay. Have you heard of the Eagle Cafe?

09:07AM 5 A Yeah. There was the Eagle Cafe next to it.

09:07AM 6 Q Was it close by?

09:07AM 7 A Yes.

09:07AM 8 Q Do you recall having a conversation with Mr. Miske about

09:07AM 9 this assault before it happened?

09:07AM 10 A Yes.

09:07AM 11 Q What did he tell you?

09:07AM 12 A That the guy was doing stupid bids. He was overbidding at

09:07AM 13 the car auctions.

09:07AM 14 Q Did Mr. Miske show you a picture of the guy?

09:07AM 15 A Yes.

09:08AM 16 Q How did he show you a picture of the guy?

09:08AM 17 A On his phone.

09:08AM 18 Q Did he give you specific instructions on the level of the

09:08AM 19 assault?

09:08AM 20 A Yes.

09:08AM 21 Q What did he tell you?

09:08AM 22 A He wanted me to hospitalize him.

09:08AM 23 Q To put him in the hospital?

09:08AM 24 A Yes.

09:08AM 25 Q Did you have a driver for this one like the other one?

09:08AM 1 A Yes.

09:08AM 2 Q Who was your driver?

09:08AM 3 A Johnnie.

09:08AM 4 Q This is Johnnie Stancil?

09:08AM 5 A Yes.

09:08AM 6 Q Which car do you recall taking to this particular assault?

09:08AM 7 A We went in a silver Toyota Camry.

09:08AM 8 Q What kind of car was that? Was it another auction car?

09:08AM 9 A It was a Hawaii Partners car -- auction car.

09:08AM 10 Q What about the plates for this particular car; what do you

09:08AM 11 recall about those plates?

09:08AM 12 A I think we used paper plates again.

09:08AM 13 Q So you could avoid detection?

09:09AM 14 A Yes.

09:09AM 15 Q Before the assault, did you scope it out with Mr. Stancil?

09:09AM 16 A Yes.

09:09AM 17 Q How did you guys scope it out?

09:09AM 18 A We drove down the street where the car dealership was. We

09:09AM 19 were trying to see if we could see the guy outside anywhere.

09:09AM 20 Q And did you see him?

09:09AM 21 A We ended up seeing him, yeah.

09:09AM 22 Q Okay. Right before the assault, where was the silver

09:09AM 23 Toyota Camry positioned, if you recall?

09:09AM 24 A We reversed backwards down the road and we kept the car

09:09AM 25 running. We were right outside the car dealership.

09:09AM 1 Q And this -- what can you tell us about this road? Are
09:09AM 2 there multiple ways in or out or only one?
09:09AM 3 A What I remember was it was a one-way down.
09:09AM 4 Q There is only one way in and out?
09:09AM 5 A Yes.
09:09AM 6 Q So Mr. Stancil backs up to near the dealership?
09:09AM 7 A Yes.
09:09AM 8 Q And has the car pointed and ready to leave?
09:10AM 9 A Yes.
09:10AM 10 Q Does Mr. Stancil pick out the guy -- the target?
09:10AM 11 A Yes.
09:10AM 12 Q And then what do you do?
09:10AM 13 A He tells me that's the guy. I get out of the car. I come
09:10AM 14 up from behind him and I kick him in the face.
09:10AM 15 Q Could he see you coming?
09:10AM 16 A No.
09:10AM 17 Q What was the person doing at the time?
09:10AM 18 A He was detailing the cars outside the dealership.
09:10AM 19 Q So he had his back to you?
09:10AM 20 A Yes.
09:10AM 21 Q You kicked him where?
09:10AM 22 A In the face.
09:10AM 23 Q And what did you see happened with the individual you
09:10AM 24 kicked in the face?
09:10AM 25 A He fell to the ground.

09:10AM 1 Q Did you see him lose consciousness?

09:10AM 2 A I think he was still conscious but he was on the ground.

09:10AM 3 Q What were you wearing for that attack?

09:10AM 4 A I was wearing a hoodie.

09:10AM 5 Q With the hood up?

09:10AM 6 A Yeah, a jacket with the hood up.

09:10AM 7 Q In January 2016, how big were you?

09:10AM 8 A Six-foot, probably a little bigger than I am now.

09:11AM 9 Q Okay. And how many pounds would you estimate?

09:11AM 10 A 265, 270.

09:11AM 11 Q After you kicked him and the man fell to the ground, did

09:11AM 12 you kick him any more times?

09:11AM 13 A No.

09:11AM 14 Q What happened then?

09:11AM 15 A I went back to the car and we took off.

09:11AM 16 Q And where did you guys go?

09:11AM 17 A Back to the shop.

09:11AM 18 Q What happened at the shop?

09:11AM 19 A We put the car back in the parking garage.

09:11AM 20 Q Did you meet with Mike?

09:11AM 21 A Yes.

09:11AM 22 Q What did you get from Mike, if anything?

09:11AM 23 A I got paid.

09:11AM 24 Q Do you recall about how much you got paid?

09:11AM 25 A About 1500.

09:11AM 1 Q Okay. This is in cash again?

09:11AM 2 A Yes.

09:11AM 3 Q Did you tell Mike what happened during the assault?

09:12AM 4 A Yes.

09:12AM 5 Q What was his reaction?

09:12AM 6 A He was happy.

09:12AM 7 Q Sometime later after the assault, did Mr. Miske express

09:12AM 8 dissatisfaction with you about this assault?

09:12AM 9 A Yes.

09:12AM 10 Q Did he get on to you about it?

09:12AM 11 A Yes.

09:12AM 12 Q What did he get on to you about?

09:12AM 13 A He told me and Johnnie he seen him at the -- the guy at

09:12AM 14 the car auction still and he only had a black eye.

09:12AM 15 Q What was he mad about?

09:12AM 16 A That I didn't hospitalize him.

09:12AM 17 Q Because that's what you were instructed to do?

09:12AM 18 A Yes.

09:12AM 19 Q The auction, did you know what the name of that auction

09:12AM 20 was?

09:12AM 21 A I know it was in Mapunapuna.

09:12AM 22 Q Does Manheim sound familiar?

09:12AM 23 A Yes.

09:12AM 24 MR. NAMMAR: Your Honor, can we publish 5-22 from the

09:13AM 25 original list?

09:13AM 1 THE COURT: Go ahead.

09:13AM 2 BY MR. NAMMAR:

09:13AM 3 Q Thank you. Mr. Smith, do you recognize 5-22?

09:13AM 4 A Yes.

09:13AM 5 Q What is it?

09:13AM 6 A It's a picture of the shop.

09:13AM 7 Q And is this where you took the silver Camry back to?

09:13AM 8 A Yes.

09:13AM 9 Q Where was -- if you know, where was Mr. Miske's office?

09:13AM 10 A On that first window right there on the left by the white
09:13AM 11 car.

09:13AM 12 Q Can you put an X on it? So right by the white car?

09:13AM 13 A Yes.

09:13AM 14 Q Is that somewhere that you -- where you would frequently
09:13AM 15 hang out?

09:13AM 16 A Yes.

09:13AM 17 Q Is that somewhere where you would also get paid after you
09:13AM 18 committed assaults and other crimes?

09:13AM 19 A Sometimes.

09:13AM 20 MR. NAMMAR: Your Honor, can we publish 1-777 from the
09:14AM 21 original list?

09:14AM 22 THE COURT: Go ahead.

09:14AM 23 BY MR. NAMMAR:

09:14AM 24 Q Thank you. Mr. Smith, do you recognize what's shown here?

09:14AM 25 A Yes.

09:14AM 1 Q What is shown here?

09:14AM 2 A Mike's office.

09:14AM 3 Q And would you ever see him retrieve cash out of anywhere
09:14AM 4 that's shown in this photo?

09:14AM 5 A He's paid me out of one of those drawers before.

09:14AM 6 Q Which drawers are you referring to?

09:14AM 7 A The drawers connected to the desk.

09:14AM 8 Q Can you indicate which drawers you're talking about? So
09:14AM 9 for the record, you marked the drawers on the left-hand side.

09:15AM 10 MR. NAMMAR: Can we publish, Your Honor, 1-778.

09:15AM 11 THE COURT: Go ahead.

09:15AM 12 BY MR. NAMMAR:

09:15AM 13 Q Do you recognize what is shown here?

09:15AM 14 A Yes.

09:15AM 15 Q What is shown here?

09:15AM 16 A That's the shop, Mike's office.

09:15AM 17 Q Would you often hang out in this shop with Mr. Miske and
09:15AM 18 others?

09:15AM 19 A Yes.

09:15AM 20 MR. NAMMAR: Can we publish 1-779?

09:15AM 21 THE COURT: Yes.

09:15AM 22 BY MR. NAMMAR:

09:15AM 23 Q Do you recognize what is shown here?

09:15AM 24 A Yes.

09:15AM 25 Q What is shown here?

09:15AM 1 A It's still Mike's office and a dry erase board.

09:15AM 2 Q Can you circle the dry erase board?

09:15AM 3 Would Mr. Miske sometimes write you messages on the
09:15AM 4 dry erase board?

09:15AM 5 A Yes.

09:15AM 6 Q And did he erase them after they were written?

09:15AM 7 A Yes.

09:15AM 8 Q When you were in the office with Mr. Miske, would he
09:15AM 9 sometimes close the door?

09:15AM 10 A Yes.

09:15AM 11 Q And then would he sometimes turn up the music?

09:15AM 12 A Yes.

09:15AM 13 Q What would he talk about when he closed the door and
09:15AM 14 turned up the music?

09:16AM 15 A We were being watched by the feds and things like that.

09:16AM 16 Q Things about crime?

09:16AM 17 A Yes.

09:16AM 18 Q We can take that down.

09:16AM 19 MR. NAMMAR: Can we publish, Your Honor, 4-32 from the
09:16AM 20 original list?

09:16AM 21 THE COURT: Go ahead.

09:16AM 22 BY MR. NAMMAR:

09:16AM 23 Q Thank you. Mr. Smith, 4-32 is up on the screen.

09:16AM 24 Do you recognize this person?

09:16AM 25 A Yes.

09:16AM 1 Q Who is this person?

09:16AM 2 A That was the person I assaulted at the used car

09:16AM 3 dealership.

09:16AM 4 Q The one you said was polishing the car before the assault?

09:16AM 5 A Yes.

09:16AM 6 Q The one that was near the Eagle Cafe?

09:16AM 7 A Yes.

09:16AM 8 MR. NAMMAR: Can we publish 4-35, Your Honor?

09:16AM 9 THE COURT: You may.

09:16AM 10 BY MR. NAMMAR:

09:17AM 11 Q Can we zoom in.

09:17AM 12 Mr. Smith, do you recognize what's depicted in this

09:17AM 13 picture?

09:17AM 14 A The used car dealership.

09:17AM 15 Q Is it in this general area?

09:17AM 16 A It's right behind it, yes.

09:17AM 17 Q Right behind the blue spray paint?

09:17AM 18 A Yes.

09:17AM 19 MR. NAMMAR: Can we publish 4-36, Your Honor?

09:17AM 20 THE COURT: Yes.

09:17AM 21 BY MR. NAMMAR:

09:17AM 22 Q Zoom in a little bit.

09:17AM 23 Mr. Smith, do you recognize what is shown here?

09:17AM 24 A Yes.

09:17AM 25 Q What's shown here?

09:17AM 1 A That was the back road we drove down before we assaulted
09:17AM 2 the guy at the used car dealership.

09:17AM 3 Q Is this also the same road you guys made your exit on?

09:17AM 4 A Yes.

09:17AM 5 MR. NAMMAR: May we publish 4-40?

09:17AM 6 THE COURT: You may.

09:17AM 7 BY MR. NAMMAR:

09:17AM 8 Q Do you recognize what is shown here?

09:17AM 9 A Yes.

09:17AM 10 Q What is shown here?

09:18AM 11 A That was the owner of the used car dealership, the one I
09:18AM 12 assaulted.

09:18AM 13 Q Is this a similar position that he was in at the time you
09:18AM 14 assaulted him?

09:18AM 15 A Yes.

09:18AM 16 Q But this is not actually taken at that time; this was just
09:18AM 17 a reenactment?

09:18AM 18 A Yes.

09:18AM 19 MR. NAMMAR: Your Honor, may we publish 4-44?

09:18AM 20 THE COURT: Yes.

09:18AM 21 BY MR. NAMMAR:

09:18AM 22 Q If we could zoom in on -- perfect. That's great.

09:18AM 23 Do you recognize this map?

09:18AM 24 A Yes.

09:18AM 25 Q When you say Mr. Stancil backed in, can you see on this

09:18AM 1 map the area where he backed into?

09:18AM 2 A We backed out right here on this part, street, kind of
09:18AM 3 right behind the D. Otani Produce.

09:19AM 4 Q And then you were positioned to go straight out down Heart
09:19AM 5 Street towards Waiakamilo Road?

09:19AM 6 A Yes.

09:19AM 7 Q We can take that down.

09:19AM 8 MR. NAMMAR: Can we show the witness only 4-128 from
09:19AM 9 the fourth supplemental list?

09:19AM 10 THE COURT: Go ahead.

09:19AM 11 BY MR. NAMMAR:

09:19AM 12 Q Thank you. If we could zoom in on the history/inquiry of
09:19AM 13 the whole thing.

09:19AM 14 Mr. Smith, do you recognize the registered owner name
09:19AM 15 there, Hawaii Partners?

09:19AM 16 A Yes.

09:19AM 17 Q What is that?

09:19AM 18 A That was Mike's car company.

09:20AM 19 Q And the year is '03; make, Toyota.

09:20AM 20 Do you see that?

09:20AM 21 A Yes.

09:20AM 22 Q Four-door sedan, color silver?

09:20AM 23 A Yes.

09:20AM 24 Q Do all these things match the description of the car that
09:20AM 25 you all took to assault -- to do this assault you've just

09:20AM 1 talked about?

09:20AM 2 A Yes.

09:20AM 3 Q And the date in the upper left, is that the exact same
09:20AM 4 date that you believe you did the assault?

09:20AM 5 A Yes.

09:20AM 6 MR. NAMMAR: Your Honor, I move to admit 4-128.

09:20AM 7 THE COURT: Any objection, counsel?

09:20AM 8 MR. KENNEDY: Lack of foundation, Your Honor. That
09:20AM 9 would be the objection.

09:20AM 10 MR. NAMMAR: There is an 8031 cert on the bottom
09:20AM 11 there. It's signed by Thomas P. Farr who is with the
09:20AM 12 department of customer services from the City and County of
09:21AM 13 Honolulu.

09:21AM 14 THE COURT: The objection is sustained.

09:21AM 15 BY MR. NAMMAR:

09:21AM 16 Q Do you recognize that -- well, I want to focus in on that
09:21AM 17 VIN number.

09:21AM 18 And do you see the numbers that it ends in?

09:21AM 19 A Yes.

09:21AM 20 Q Okay.

09:21AM 21 MR. NAMMAR: Let's go to -- let's show the witness now
09:21AM 22 9164, Your Honor.

09:21AM 23 THE COURT: 9-164?

09:21AM 24 MR. NAMMAR: Yes. Thank you. Can we go to the first
09:21AM 25 page first?

09:21AM 1 THE COURT: Go ahead.

09:21AM 2 BY MR. NAMMAR:

09:21AM 3 Q Do you recognize the name Manheim?

09:22AM 4 A Yes.

09:22AM 5 Q What do you understand Manheim to be?

09:22AM 6 A Manheim was the car auction in Mapunapuna that Mike then
09:22AM 7 would go to.

09:22AM 8 Q Okay. And if we go to page 24. If we can zoom in on the
09:22AM 9 4th one. All the way across. Well, that's pretty good.

09:22AM 10 Perfect.

09:22AM 11 Okay. The VIN that's shown here, do you recognize
09:22AM 12 that as the same VIN that we just looked at?

09:22AM 13 A Yes.

09:22AM 14 Q And the description is -- is that the same as the car that
09:22AM 15 you recall taking?

09:22AM 16 A Yes.

09:22AM 17 Q And do you recall it also being around a 2003?

09:22AM 18 A Yes.

09:22AM 19 Q And if we look up at the top, is that the date unit sold
09:23AM 20 that's shown there on this page?

09:23AM 21 A Yes.

09:23AM 22 Q And is the date unit sold January 20, 2016?

09:23AM 23 A Yes.

09:23AM 24 Q And the company to the right, do you recognize that?

09:23AM 25 A Yes.

09:23AM 1 MR. NAMMAR: Your Honor, I move to admit 9-164, which
09:23AM 2 is accompanied by an 8036 and 90211 cert on page one. It's
09:23AM 3 also pursuant to the party's stipulation doc number 1296.
09:23AM 4 THE COURT: Any objection, Mr. Kennedy?
09:23AM 5 MR. KENNEDY: Lack of foundation, Your Honor.
09:23AM 6 THE COURT: The objection is sustained. Do you have
09:24AM 7 any more questions for this witness?
09:24AM 8 MR. NAMMAR: Yes.
09:24AM 9 Your Honor, can we show the witness 1-905B from the
09:24AM 10 13th list?
09:24AM 11 THE COURT: Go ahead.
09:24AM 12 BY MR. NAMMAR:
09:24AM 13 Q Do you recognize this photo?
09:24AM 14 A Yes.
09:24AM 15 Q What is this photo of?
09:24AM 16 A Mike.
09:24AM 17 Q Did you take this photo?
09:24AM 18 A Yes.
09:24AM 19 Q Where did you take this photo?
09:24AM 20 A In the shop.
09:24AM 21 MR. NAMMAR: Your Honor, I move to admit 1-905B.
09:24AM 22 THE COURT: Any objection?
09:24AM 23 MR. KENNEDY: No objection.
09:24AM 24 THE COURT: 1-905B as in bravo is admitted without
09:25AM 25 objection, and you may publish.

09:25AM 1 (Exhibit 1-905B was received in evidence.)

09:25AM 2 BY MR. NAMMAR:

09:25AM 3 Q Mr. Smith, the jury can see this. What are we looking at?

09:25AM 4 A We are looking at Mike in the office at the Kama'aina

09:25AM 5 shop.

09:25AM 6 Q And is this the shop -- the same shop where you said you

09:25AM 7 would sometimes be paid?

09:25AM 8 A Yes.

09:25AM 9 Q And the same shop where you sometimes would get orders

09:25AM 10 from Mr. Miske about assaults and other crimes?

09:25AM 11 A Yes.

09:25AM 12 MR. NAMMAR: Can we show the witness now 1-905 from

09:25AM 13 the original list?

09:25AM 14 THE COURT: Go ahead.

09:25AM 15 BY MR. NAMMAR:

09:25AM 16 Q If we could zoom in on the second box.

09:26AM 17 Do you recognize the attachment to this photo that's

09:26AM 18 shown right here?

09:26AM 19 A Yes.

09:26AM 20 Q Is this the same photo that we just looked at?

09:26AM 21 A Yes.

09:26AM 22 Q And the phone number that's shown here, do you recognize

09:26AM 23 that?

09:26AM 24 A Yes.

09:26AM 25 Q Was that your phone number?

09:26AM 1 A Yes.

09:26AM 2 Q Would you sometimes send photos via text message to your
09:26AM 3 girlfriend?

09:26AM 4 A Yes.

09:26AM 5 Q And is this one of those examples?

09:26AM 6 A Yes.

09:26AM 7 Q Did you also send her a number of other photos?

09:26AM 8 A Yes.

09:26AM 9 Q If we could zoom out.

09:26AM 10 The third photo down, do you recognize it?

09:26AM 11 A Yes.

09:26AM 12 Q What is that photo of?

09:26AM 13 A It's the cash I just got paid for an assault.

09:27AM 14 Q The assault that you just talked about near the Eagle
09:27AM 15 Cafe?

09:27AM 16 A Yes.

09:27AM 17 Q Of the car dealer that was polishing the car?

09:27AM 18 A Yes.

09:27AM 19 Q And is this the day after the assault?

09:27AM 20 A Yes.

09:27AM 21 Q You are sending this picture to your girlfriend?

09:27AM 22 A Yes.

09:27AM 23 Q To show her why?

09:27AM 24 A I just got paid for doing the assault.

09:27AM 25 Q Can we go to the next page.

09:27AM 1 Do you recognize the thumbnail that's at the top right
09:27AM 2 here?
09:27AM 3 A Yes.
09:27AM 4 Q Is that a picture of you outside Mr. Miske's place of
09:27AM 5 business, your hand?
09:27AM 6 A Yes.
09:27AM 7 Q Do you also -- on the pages that follow, do you also send
09:27AM 8 your girlfriend a number of pictures related to robberies that
09:27AM 9 you committed with Frankie, Johnnie, and other members of the
09:28AM 10 conspiracy?
09:28AM 11 A Yes.
09:28AM 12 MR. NAMMAR: Your Honor, I move to admit 1-905.
09:28AM 13 THE COURT: Any objection?
09:28AM 14 MR. KENNEDY: No objection.
09:28AM 15 THE COURT: 1-905 is admitted then without objection.
09:28AM 16 You may publish.
09:28AM 17 (Exhibit 1-905 was received in evidence.)
09:28AM 18 BY MR. NAMMAR:
09:28AM 19 Q Thank you. If we go back to -- if we could zoom in on the
09:28AM 20 second box. And this is the photo from the shop that you just
09:28AM 21 told us that you took.
09:28AM 22 Do you see that?
09:28AM 23 A Yes.
09:28AM 24 Q And does it have a date and time stamp associated with
09:28AM 25 when you sent it to your girlfriend?

09:28AM 1 A Yes.

09:28AM 2 Q What's the date there?

09:28AM 3 A January 20, 2016.

09:28AM 4 Q If we zoom out now and we look at the next photo.

09:29AM 5 What is shown here?

09:29AM 6 A The payment I just got paid for the assault.

09:29AM 7 Q And if we zoom out, what is the time stamp associated with
09:29AM 8 when you sent this photo to your girlfriend?

09:29AM 9 A January 26, 2016.

09:29AM 10 MR. NAMMAR: And if we -- Your Honor, can we now go to
09:29AM 11 1-905C from the 13th supp?

09:29AM 12 THE COURT: Yes, go ahead.

09:29AM 13 BY MR. NAMMAR:

09:29AM 14 Q Thank you. Do you recognize this photo, Mr. Smith?

09:29AM 15 A Yes.

09:29AM 16 Q It's the same photo, just enlarged that we just looked at?

09:29AM 17 A Yes.

09:29AM 18 MR. NAMMAR: Your Honor, move to admit 1-905C.

09:29AM 19 THE COURT: Any objection?

09:29AM 20 MR. KENNEDY: No objection.

09:29AM 21 THE COURT: 1-905C as in Charlie is admitted. You may
09:29AM 22 publish.

09:29AM 23 (Exhibit 1-905C was received in evidence.)

09:29AM 24 BY MR. NAMMAR:

09:29AM 25 Q Thank you. What are we looking at here, Mr. Smith?

09:30AM 1 A A payment I just got paid for an assault.

09:30AM 2 Q And this is in hundreds?

09:30AM 3 A Hundreds and mixed bills.

09:30AM 4 MR. NAMMAR: If we can show the witness now 1-905D as
09:30AM 5 in delta from the 13th list.

09:30AM 6 THE COURT: Go ahead.

09:30AM 7 BY MR. NAMMAR:

09:30AM 8 Q Do you recognize this photo?

09:30AM 9 A Yes.

09:30AM 10 Q What is it of?

09:30AM 11 A My hand outside the shop.

09:30AM 12 Q And what is the symbol that you're making with the hand?

09:30AM 13 A East side.

09:30AM 14 Q Is that where you're from?

09:30AM 15 A Yes.

09:30AM 16 Q And you are putting your fingers in the motion of an E?

09:30AM 17 A Yes.

09:30AM 18 MR. NAMMAR: Your Honor, I move to admit 1-905D.

09:30AM 19 THE COURT: Any objection?

09:30AM 20 MR. KENNEDY: No objection.

09:30AM 21 THE COURT: 1-905D is admitted. You may publish.

09:30AM 22 (Exhibit 1-905D was received in evidence.)

09:30AM 23 BY MR. NAMMAR:

09:30AM 24 Q Thank you. The jury can see it.

09:31AM 25 What are we looking at here? This is you outside the

09:31AM 1 shop?

09:31AM 2 A Yes.

09:31AM 3 Q And is this your hand that you talked about?

09:31AM 4 A Yes.

09:31AM 5 Q You're making an E for East side?

09:31AM 6 A East side, yes.

09:31AM 7 Q And if we go back to 1-905 page two and if we could zoom
09:31AM 8 in on that.

09:31AM 9 Is this the same photo shown here?

09:31AM 10 A Yes.

09:31AM 11 Q And you're sending it to your girlfriend again?

09:31AM 12 A Yes.

09:31AM 13 Q What's the date associated with this?

09:31AM 14 A February 9, 2016.

09:31AM 15 Q You can take that down. Around the -- well, after this
09:32AM 16 assault, but also in 2016, did Mr. Miske task you with other
09:32AM 17 assaults?

09:32AM 18 A Yes.

09:32AM 19 Q Was one of the targets a dentist?

09:32AM 20 A Yes.

09:32AM 21 Q And where -- well, did you talk to Mr. Miske about that
09:32AM 22 target?

09:32AM 23 A He asked me periodically if it was done, but usually I
09:32AM 24 would communicate through Johnnie with him.

09:32AM 25 Q What were the instructions? What were you supposed to do?

09:32AM 1 A We were supposed to assault him outside of the dental
09:32AM 2 office.

09:32AM 3 Q Where was the dental office located?

09:32AM 4 A It was in Diamond Head.

09:32AM 5 Q Would Miske -- in the Diamond Head area, was it near
09:33AM 6 Monsarrat?

09:33AM 7 A Yes.

09:33AM 8 Q Was it near particular businesses on Monsarrat?

09:33AM 9 A It was next to that restaurant across from the gas
09:33AM 10 station.

09:33AM 11 Q Is that Diamond Head Grill?

09:33AM 12 A Yes.

09:33AM 13 Q Would Mr. Miske ever utilize GPS devices?

09:33AM 14 A Yes.

09:33AM 15 Q What are those?

09:33AM 16 A They were magnetic GPS tracking devices he would grab off
09:33AM 17 of Amazon.

09:33AM 18 Q What do they look like?

09:33AM 19 A They were used to track people.

09:33AM 20 Q What do they look like?

09:33AM 21 A They look like eggs.

09:33AM 22 Q And how would they work, if you know?

09:33AM 23 A There was a strong magnet on the back, and him or someone
09:33AM 24 else would usually stick it underneath the bottom of a car.

09:33AM 25 Q And then how could someone use that device to see a

09:33AM 1 location of the individual?

09:33AM 2 A They would be able to use a burner phone and download the

09:33AM 3 app.

09:33AM 4 Q And look at the location on the phone?

09:33AM 5 A On the phone.

09:33AM 6 Q Would you see Mr. Miske doing that?

09:34AM 7 A Yes.

09:34AM 8 Q Did you also see Wayne Miller doing that?

09:34AM 9 A Yes.

09:34AM 10 Q And for the dentist, did you understand from speaking with

09:34AM 11 Mr. Miske that they were utilizing a tracking device?

09:34AM 12 A I was not aware.

09:34AM 13 Q What were the instructions you got on the dentist?

09:34AM 14 A That we were going to -- they were -- John or somebody

09:34AM 15 else that was with us would get him out of the dental office

09:34AM 16 and I was supposed to assault him.

09:34AM 17 Q And were they -- did you ever see that appointments were

09:34AM 18 made for the dentist office?

09:34AM 19 A They would make fake calls or fake appointments to see if

09:34AM 20 the dentist was in.

09:34AM 21 Q Who would make those fake calls or appointments?

09:34AM 22 A Johnnie.

09:34AM 23 Q Would he do that in front of you?

09:34AM 24 A Yes.

09:34AM 25 Q And would you guys go wait outside the dentist office?

09:34AM 1 A Yes.

09:34AM 2 Q Were you ever told why that this assault needed to be
09:35AM 3 committed?

09:35AM 4 A No.

09:35AM 5 Q Did you ever end up assaulting the dentist?

09:35AM 6 A No.

09:35AM 7 MR. NAMMAR: Your Honor, if we can publish 1-859.

09:35AM 8 THE COURT: Go ahead.

09:35AM 9 BY MR. NAMMAR:

09:35AM 10 Q Do you recognize this device?

09:35AM 11 A Yes.

09:35AM 12 Q What is it of?

09:35AM 13 A It's, like, one of the tracking devices.

09:35AM 14 MR. NAMMAR: Can we publish 1-860?

09:35AM 15 THE COURT: Yes.

09:35AM 16 BY MR. NAMMAR:

09:35AM 17 Q Do you recognize this device?

09:35AM 18 A Yes.

09:35AM 19 Q What is it?

09:35AM 20 A The back of a tracking device.

09:35AM 21 Q We can take that down.

09:36AM 22 Also in 2016, were you tasked by Mr. Miske to do
09:36AM 23 anything with an individual named Ryan Teramoto?

09:36AM 24 A Yes.

09:36AM 25 Q What did Mr. Miske ask you to do?

09:36AM 1 A At first, he wanted us just to assault him; assault him
09:36AM 2 outside of the house. And then he ended up wanting us to go
09:36AM 3 inside the house and he told me there was money in the house.

09:36AM 4 Q He told you there was money in the house?

09:36AM 5 A Yes.

09:36AM 6 Q And what were you supposed to do inside the house?

09:36AM 7 A Beat up Teramoto and take the money.

09:36AM 8 Q So it started out as an assault but then it progressed to
09:36AM 9 a home invasion robbery?

09:36AM 10 A Yes.

09:36AM 11 Q Were you told why that needed to be done by Mr. Miske?

09:36AM 12 A I was told first it was over a girlfriend, and then it was
09:37AM 13 over money.

09:37AM 14 Q What did you understand about the money?

09:37AM 15 A I just knew that it had something to do with money from
09:37AM 16 one of the other guys with us.

09:37AM 17 Q Who was the other guy?

09:37AM 18 A Miller.

09:37AM 19 Q Would Mr. Miller help you on occasion with this task?

09:37AM 20 A Yes.

09:37AM 21 Q How so?

09:37AM 22 A He came to wait with me outside the house.

09:37AM 23 Q Do you remember an incident at the Olomana golf course?

09:37AM 24 A Yes.

09:37AM 25 Q Can you tell the jury where the Olomana golf course is?

09:37AM 1 A The Olomana golf course is in the beginning of Waimanalo.

09:37AM 2 Q As you're coming in from Kailua?

09:37AM 3 A Yes.

09:37AM 4 Q And what happened there?

09:37AM 5 A I was supposed to take the GPS off the back of Ryan's
09:37AM 6 vehicle and assault him in the restaurant over there.

09:38AM 7 Q Okay. And this is the restaurant at the golf course?

09:38AM 8 A Yes.

09:38AM 9 Q When you say take the GPS off, how were you going to do
09:38AM 10 that?

09:38AM 11 A At the time, I wasn't sure; I didn't know how it worked.
09:38AM 12 But they just told me to go to the back of the car and there
09:38AM 13 was a magnet underneath the car, to take it off before we did
09:38AM 14 the assault.

09:38AM 15 Q Why would you want to take it off before the assault?

09:38AM 16 A They didn't want to get caught with it on his car.

09:38AM 17 Q And were you able to take it off on that day?

09:38AM 18 A No.

09:38AM 19 Q Why not?

09:38AM 20 A Because I didn't know how it worked yet.

09:38AM 21 Q Were you told -- also told to assault Mr. Teramoto?

09:38AM 22 A Yes.

09:38AM 23 Q Who told you that?

09:38AM 24 A Mike.

09:38AM 25 Q And then at the Olomana golf course, how were you going to

09:38AM 1 assault Mr. Teramoto?

09:38AM 2 A I was just supposed to catch him inside the restaurant.

09:38AM 3 Q Were you concerned of doing that?

09:39AM 4 A Yes.

09:39AM 5 Q Why?

09:39AM 6 A Because I haven't really done it that much yet, and it was
09:39AM 7 in front of a bunch of people.

09:39AM 8 Q But you didn't go through with it?

09:39AM 9 A No.

09:39AM 10 Q You talked about Mr. Teramoto's house, that you waited
09:39AM 11 outside his house?

09:39AM 12 A Yes.

09:39AM 13 Q Where was that house located?

09:39AM 14 A It was off of the main street, Oneawa in Kailua next to a
09:39AM 15 park.

09:39AM 16 Q What was the purpose of waiting outside his house?

09:39AM 17 A We were supposed to catch him when he was coming home and
09:39AM 18 assault him when he got out of the car.

09:39AM 19 Q And were you waiting there on one particular day when he
09:39AM 20 did come home?

09:39AM 21 A Yes.

09:39AM 22 Q Who were you with?

09:39AM 23 A Miller.

09:39AM 24 Q What happened when you saw Mr. Teramoto?

09:39AM 25 A He ran into the house.

09:39AM 1 Q Did he see you?

09:39AM 2 A Yes.

09:39AM 3 Q Were you outside of the car?

09:39AM 4 A Yes.

09:39AM 5 Q Did you go after him?

09:39AM 6 A As soon as he seen us get out, he kind of took off and

09:40AM 7 jumped into the house.

09:40AM 8 Q And you didn't follow him?

09:40AM 9 A No.

09:40AM 10 Q What kind of vehicle were you driving?

09:40AM 11 A We were in a Caravan.

09:40AM 12 Q Do you remember the color?

09:40AM 13 A It was a light color, white or gold.

09:40AM 14 Q Do you recall later on in 2018 an incident where you ran

09:40AM 15 into one of Mr. Teramoto's vehicle?

09:40AM 16 A Yes.

09:40AM 17 Q What kind of vehicle was that?

09:40AM 18 A It was his pest control truck.

09:40AM 19 Q Where did you see the pest control truck?

09:40AM 20 A Outside Jiffy Lube in Kaneohe Windward Mall.

09:40AM 21 Q When you saw the Jiffy Lube truck, did you reach out to

09:40AM 22 Mr. Miske?

09:40AM 23 A Yes.

09:40AM 24 Q How did you do that in 2018?

09:40AM 25 A Through WhatsApp.

09:40AM 1 Q And what was Mr. Miske's response?

09:40AM 2 A To sit there, be disciplined, and wait for him to come out
09:40AM 3 so we could get him.

09:40AM 4 Q So you could assault him?

09:40AM 5 A Yes.

09:41AM 6 Q Did he come out?

09:41AM 7 A No.

09:41AM 8 Q What happened?

09:41AM 9 A The truck ended up staying there until Jiffy Lube was
09:41AM 10 closed.

09:41AM 11 Q Who were you with on that day?

09:41AM 12 A Quinton Decambra.

09:41AM 13 Q Who was that?

09:41AM 14 A That was a friend of mine.

09:41AM 15 MR. NAMMAR: Your Honor, could we publish 1-655 from
09:41AM 16 the original list?

09:41AM 17 THE COURT: Go ahead.

09:41AM 18 BY MR. NAMMAR:

09:41AM 19 Q Do you recognize who is shown here?

09:41AM 20 A Yes.

09:41AM 21 Q Who is this?

09:41AM 22 A Ryan Teramoto.

09:41AM 23 Q This is the person that Miske tasked you to do a home
09:41AM 24 invasion and also an assault?

09:41AM 25 A Yes.

09:41AM 1 Q And did you think doing those things would help your
09:41AM 2 standing with Mr. Miske?
09:41AM 3 A Yes.
09:41AM 4 Q And was it important to you to stay in good standing with
09:42AM 5 him?
09:42AM 6 A Yes.
09:42AM 7 Q Did you also commit some assaults at Mr. Miske's
09:42AM 8 nightclub?
09:42AM 9 A Yes.
09:42AM 10 Q What nightclub was that?
09:42AM 11 A The M Nightclub.
09:42AM 12 Q Where was it located?
09:42AM 13 A Right across the courthouse at Restaurant Row.
09:42AM 14 Q And did you have a perk at that nightclub as a result of
09:42AM 15 committing crimes for Mr. Miske?
09:42AM 16 A Yes.
09:42AM 17 Q What was that perk?
09:42AM 18 A We could drink for free and bring in whoever we wanted.
09:42AM 19 Q What do you mean by bring in whoever you wanted?
09:42AM 20 A Whoever came with us usually got in for free too.
09:42AM 21 Q Would you go there a lot?
09:42AM 22 A Yes.
09:42AM 23 Q Who would you usually go there with?
09:42AM 24 A Me, Lance, Keali'i, Keoni Adric, a bunch of us.
09:43AM 25 Q Did Mr. Miske give you any instructions about assaults at

09:43AM 1 the nightclub?

09:43AM 2 A That if something went down over there, that I need to be
09:43AM 3 involved. Jason was having trouble with somebody over there
09:43AM 4 too. Make sure I was there.

09:43AM 5 Q Who was Jason?

09:43AM 6 A That was the manager of the club at the time.

09:43AM 7 Q So Mr. Miske essentially told you that you needed to be on
09:43AM 8 call for Jason?

09:43AM 9 A He let me know that if they were having problems with
09:43AM 10 somebody over there, to make sure I was ready.

09:43AM 11 Q Okay. Did he tell you anything about Jason as far as
09:43AM 12 whether you should listen to him?

09:43AM 13 A That Jason was basically the same as him if he wasn't
09:43AM 14 there.

09:43AM 15 Q So Jason was like the boss?

09:43AM 16 A Yes.

09:43AM 17 Q And did you do some assaults at Jason's direction?

09:43AM 18 A Yes.

09:43AM 19 Q Did you do multiple?

09:43AM 20 A Yes.

09:43AM 21 Q Was one of them outside the club?

09:43AM 22 A Yes.

09:43AM 23 Q Tell us about that.

09:44AM 24 A They were throwing somebody out of the club who was
09:44AM 25 getting kind of loud. Looked like they were having a hard time

09:44AM 1 with him. Jason kind of nodded for us to come over. I came
09:44AM 2 over there, me and Lance, and I kicked him in the face.

09:44AM 3 Q So Jason -- did you understand his nod to be a signal?

09:44AM 4 A Yes.

09:44AM 5 Q What happened when you kicked the person in the face?

09:44AM 6 A He back off and started leaving, I think.

09:44AM 7 Q Did Lance do anything?

09:44AM 8 A Lance hit him from the side too.

09:44AM 9 Q Did you say you kicked the person in the face?

09:44AM 10 A Yes.

09:44AM 11 Q Is that something you were known to do?

09:44AM 12 A Yes.

09:44AM 13 Q Was there a second assault that you did at the nightclub?

09:44AM 14 A Yes.

09:44AM 15 Q Did Jason also give an order for that?

09:44AM 16 A Yes.

09:44AM 17 Q What was that second assault?

09:45AM 18 A He told me that the guy was in the bathroom and to get him
09:45AM 19 in the bathroom.

09:45AM 20 Q Did Jason say why?

09:45AM 21 A No.

09:45AM 22 Q Did you follow or did you go into the bathroom?

09:45AM 23 A Yes.

09:45AM 24 Q And what was the individual doing?

09:45AM 25 A He was using the urinal.

09:45AM 1 Q And what did you do?

09:45AM 2 A I hit him from behind.

09:45AM 3 Q How did you hit him?

09:45AM 4 A With my hands.

09:45AM 5 Q What happened with the individual?

09:45AM 6 A He ended up on the ground.

09:45AM 7 Q Was he knocked out?

09:45AM 8 A Yes.

09:45AM 9 Q Did he get up?

09:45AM 10 A Yes.

09:45AM 11 Q What happened when he got up?

09:45AM 12 A I was out of the bathroom. I left.

09:45AM 13 MR. NAMMAR: Your Honor, could we publish 1-39?

09:45AM 14 THE COURT: Go ahead.

09:45AM 15 BY MR. NAMMAR:

09:45AM 16 Q Do you recognize what is shown here?

09:45AM 17 A Yes.

09:45AM 18 Q What is shown here?

09:45AM 19 A Jason.

09:45AM 20 Q This is the person that gave you the orders at the
09:45AM 21 nightclub?

09:45AM 22 A Yes.

09:46AM 23 Q Did you notice that there were other people that did the
09:46AM 24 same thing as you as far as assaults at the nightclub?

09:46AM 25 A All I knew, there was people there on standby.

09:46AM 1 Q Who were some of the other people that you saw on standby?

09:46AM 2 A Mike B, pretty much any of the boys that could come in for

09:46AM 3 free were expected to be there on standby.

09:46AM 4 Q Who is Mike B?

09:46AM 5 A One of Mike's friends.

09:46AM 6 Q Would you often see him at the club?

09:46AM 7 A I would see him every now and then over there.

09:46AM 8 Q Did you see him assault people at the club?

09:46AM 9 A I haven't.

09:46AM 10 Q You haven't?

09:46AM 11 A I haven't.

09:46AM 12 MR. NAMMAR: Your Honor, could we publish 1-44?

09:46AM 13 THE COURT: Yes.

09:46AM 14 BY MR. NAMMAR:

09:46AM 15 Q Do you recognize who is shown here?

09:46AM 16 A Yes.

09:46AM 17 Q Who is shown there?

09:46AM 18 A Mike B.

09:46AM 19 Q We can take that down. Did you also get instructions from

09:47AM 20 Mr. Stancil about an assault at the nightclub?

09:47AM 21 A Did I get --

09:47AM 22 Q Let me rephrase the question.

09:47AM 23 Did Mr. Stancil give you instructions with respect to

09:47AM 24 a DJ?

09:47AM 25 A Yes.

09:47AM 1 Q And what did Mr. Stancil say?

09:47AM 2 A He just told me that there was a DJ that was supposed to
09:47AM 3 be working over there and he was working somewhere else.

09:47AM 4 Q And what were you supposed to do to the DJ?

09:47AM 5 A We were supposed to assault him if we seen him.

09:47AM 6 Q Who did Mr. Stancil tell you those instructions came from?

09:47AM 7 A Mike.

09:47AM 8 Q Did you know why you were supposed to assault the DJ?

09:47AM 9 A I'm not sure. I just knew he was supposed to be at the M
09:47AM 10 and he was somewhere else.

09:47AM 11 Q Who was the DJ?

09:47AM 12 A Micah Banks.

09:47AM 13 Q And did you end up assaulting Micah Banks?

09:47AM 14 A No.

09:48AM 15 Q Why not?

09:48AM 16 A Because I never seen him.

09:48AM 17 Q Were you ever present in Mr. Miske's office when you saw
09:48AM 18 Jason make cash deliveries?

09:48AM 19 A I seen him drop off, like, bank envelopes.

09:48AM 20 Q You didn't know what was in the bank envelopes?

09:48AM 21 A No.

09:48AM 22 Q How often did you see that?

09:48AM 23 A I wouldn't see it often. I have seen it a few times.

09:48AM 24 Q I want to switch gears now and ask you about an individual
09:48AM 25 name Nico Carrigan.

09:48AM 1 Do you know who that is?

09:48AM 2 A Yes.

09:48AM 3 Q Who is that person?

09:48AM 4 A That was somebody that was -- we were receiving drugs

09:48AM 5 from. I was.

09:48AM 6 Q And in 2016 before you were receiving drugs from him, did

09:48AM 7 you participate in a robbery?

09:48AM 8 A Yes.

09:48AM 9 Q Who else participated in that robbery?

09:49AM 10 A Me, Lance, Johnnie, Norman, Harry, and Kurty.

09:49AM 11 Q Why were you guys targeting Nico?

09:49AM 12 A Because we heard he was a big time dope dealer on the

09:49AM 13 mainland.

09:49AM 14 Q And what was the plan?

09:49AM 15 A Our plan was just to rob him, but somebody ended up

09:49AM 16 pulling him over. We jumped out and we took his dope.

09:49AM 17 Q Who ended up pulling him over?

09:49AM 18 A Norman.

09:49AM 19 Q What's Norman's last name, if you know?

09:49AM 20 A Akau.

09:49AM 21 Q And how did Norman Akau do that?

09:49AM 22 A He had cop lights and a 4Runner.

09:49AM 23 Q He had a 4Runner?

09:49AM 24 A Yes.

09:49AM 25 Q Did the 4Runner look anything like a cop car?

09:49AM 1 A Yes.

09:49AM 2 Q And he had cop lights in it?

09:49AM 3 A Yes.

09:49AM 4 Q What did Norman do?

09:50AM 5 A He jumped out with a badge hanging around his neck and

09:50AM 6 impersonated a cop. And we ended up taking his stuff.

09:50AM 7 Q What do you see when you arrived -- well, where was it,

09:50AM 8 first of all?

09:50AM 9 A It was across the Lanakila Health Center outside of 21

09:50AM 10 Mart.

09:50AM 11 Q What did you see when you first arrived to the scene?

09:50AM 12 A I seen the car Nico was in pulled over. We seen the car

09:50AM 13 Nico was in kind of like pulling off and I seen Norman pull him

09:50AM 14 over.

09:50AM 15 Q Okay. And where do you see Nico?

09:50AM 16 A He is coming out of the car. He is on the sidewalk.

09:50AM 17 Q And who are you in the car with?

09:50AM 18 A Me, Lance, and Johnnie.

09:50AM 19 Q What are you guys wearing?

09:50AM 20 A Masks.

09:50AM 21 Q Are you armed?

09:50AM 22 A Yes.

09:50AM 23 Q Are all three of you armed?

09:51AM 24 A Yes.

09:51AM 25 Q And what do you guys do?

09:51AM 1 A We jump out, we gunpoint the girl that was driving and
09:51AM 2 Nico, and we take the dope.
09:51AM 3 Q When you say you gunpoint the girl that was driving, who
09:51AM 4 was that?
09:51AM 5 A That was Ashlin.
09:51AM 6 Q Did you know her at the time?
09:51AM 7 A Not at that time, but she was helping us do the robbery.
09:51AM 8 Q Did you later get to know her well?
09:51AM 9 A Yes.
09:51AM 10 Q How was she was helping you guys to do the robbery?
09:51AM 11 A She helped set it up for us that day.
09:51AM 12 Q Why did you guys gunpoint her if she was helping?
09:51AM 13 A Because we didn't want him to know that she was in on it.
09:51AM 14 Q Are your guns drawn when you do that?
09:51AM 15 A They are out, yeah.
09:51AM 16 Q All three of you; Johnnie, Lance, and you?
09:51AM 17 A Yes.
09:51AM 18 Q What was obtained from the robbery?
09:52AM 19 A About five pounds of ice.
09:52AM 20 Q Where do you all meet up after the robbery?
09:52AM 21 A At the Waimanalo Park.
09:52AM 22 Q What happens at the Waimanalo Park?
09:52AM 23 A We break up the dope.
09:52AM 24 Q What do you mean by breakdown the dope?
09:52AM 25 A We break it up. Everybody takes a share.

09:52AM 1 Q What did you do with your share?

09:52AM 2 A I gave it to one of my friends, Timmy, to have him sell
09:52AM 3 it.

09:52AM 4 Q What was Timmy's last name?

09:52AM 5 A Taboada.

09:52AM 6 Q Is that a regular practice you would have?

09:52AM 7 A Yes.

09:52AM 8 Q Why?

09:52AM 9 A Because you're allowed a clientele for ice.

09:52AM 10 Q So he would sell it for you?

09:52AM 11 A Yes.

09:52AM 12 Q What was the going rate at the time?

09:52AM 13 A I think that year it was 12,000.

09:52AM 14 Q For what?

09:52AM 15 A A pound.

09:52AM 16 Q So for the robberies that you commit, you would regularly
09:52AM 17 give the drugs to Tim to sell?

09:52AM 18 A Yes.

09:52AM 19 Q Would the drugs that Johnnie got, do you know if he gave
09:53AM 20 any to Tim?

09:53AM 21 A The one that Johnnie got we gave to Timmy, too, to sell
09:53AM 22 for us.

09:53AM 23 Q When you were at the Waimanalo Park, do you recall seeing
09:53AM 24 Norman with a firearm?

09:53AM 25 A Yes.

09:53AM 1 Q Can you describe it?

09:53AM 2 A He pulled out a 22 with a silencer on it.

09:53AM 3 Q Did he do anything with that firearm at the park?

09:53AM 4 A He shot into the ground.

09:53AM 5 Q Do you know why he did that?

09:53AM 6 A He was trying to show us that the silencer worked.

09:53AM 7 MR. NAMMAR: Your Honor, could we publish 8-1 at this
09:53AM 8 time from the original?

09:54AM 9 THE COURT: Go ahead.

09:54AM 10 BY MR. NAMMAR:

09:54AM 11 Q Thank you. Do you recognize 8-1?

09:54AM 12 A Yes.

09:54AM 13 Q What is it of?

09:54AM 14 A The area where we robbed Nico at.

09:54AM 15 Q Where did the robbery occur?

09:54AM 16 A Right there outside the 21 Mart.

09:54AM 17 Q Can you put an X where you recall it occurring? So you
09:54AM 18 are putting an X by the 21 Mart?

09:54AM 19 A Yes.

09:54AM 20 MR. NAMMAR: Your Honor, may we show the witness only
09:54AM 21 8-3 from the original list?

09:54AM 22 THE COURT: Go ahead.

09:54AM 23 BY MR. NAMMAR:

09:54AM 24 Q Thank you. Do you recognize this map?

09:54AM 25 A Yes.

09:54AM 1 Q Is this an accurate map of the Waimanalo District Park?

09:54AM 2 A Yes.

09:54AM 3 MR. NAMMAR: Your Honor, move to admit 8-3.

09:54AM 4 THE COURT: Any objection?

09:54AM 5 MR. KENNEDY: No objection.

09:54AM 6 THE COURT: 8-3 is admitted without objection. You
09:54AM 7 may publish.

09:54AM 8 (Exhibit 8-3 was received in evidence.)

09:54AM 9 BY MR. NAMMAR:

09:54AM 10 Q Mr. Smith, what are we looking at here?

09:55AM 11 A This is a map of the park where we met up.

09:55AM 12 Q Can you tell us -- can you circle the park where you met
09:55AM 13 up on this map.

09:55AM 14 Is this near Mr. Stancil's house?

09:55AM 15 A Yes.

09:55AM 16 Q Do you see Mr. Stancil's house on this map?

09:55AM 17 A Yeah.

09:55AM 18 Q What area of Waimanalo does he live in?

09:55AM 19 A He lives on Humuniki or Hale Aupuni, right off this main
09:55AM 20 road.

09:55AM 21 Q Right off the highway?

09:55AM 22 A Yes.

09:56AM 23 MR. NAMMAR: Your Honor, can we publish 8-5?

09:56AM 24 THE COURT: Yes.

09:56AM 25 BY MR. NAMMAR:

09:56AM 1 Q Do you recognize what's shown in 8-5?

09:56AM 2 A Yes.

09:56AM 3 Q What is shown here?

09:56AM 4 A That's the park we met at the day after the robbery.

09:56AM 5 MR. NAMMAR: May we publish 8-7?

09:56AM 6 THE COURT: Yes.

09:56AM 7 BY MR. NAMMAR:

09:56AM 8 Q What is shown here, Mr. Smith?

09:56AM 9 A That's where we robbed Nico Carrigan.

09:56AM 10 Q And where did it take place in this photo?

09:56AM 11 A Right outside that front part of the street, across the
09:56AM 12 Lanakila Health Center.

09:56AM 13 Q You want to put an X where it took place?

09:56AM 14 How was Mr. Akau's car positioned?

09:56AM 15 A His car was right behind Nico's car, the car Nico was in.

09:56AM 16 Q Where was Nico when the robbery occurred?

09:56AM 17 A He was in the car with Ashlin.

09:56AM 18 Q Was he taken out?

09:57AM 19 A Yes.

09:57AM 20 Q Where was he positioned?

09:57AM 21 A He was seated on the side of the curb.

09:57AM 22 Q On the sidewalk?

09:57AM 23 A Yes.

09:57AM 24 MR. NAMMAR: Can we publish 1-33, Your Honor?

09:57AM 25 THE COURT: Yes.

09:57AM 1 BY MR. NAMMAR:

09:57AM 2 Q Do you recognize this person, Mr. Smith?

09:57AM 3 A Yes.

09:57AM 4 Q What is shown here?

09:57AM 5 A Norman.

09:57AM 6 Q This is the person that pulled over Nico?

09:57AM 7 A Yes.

09:57AM 8 Q That you said had the car that looked like a cop car?

09:57AM 9 A Yes.

09:57AM 10 Q And a badge?

09:57AM 11 A Yes.

09:57AM 12 MR. NAMMAR: May we publish 1-34?

09:57AM 13 THE COURT: Yes.

09:57AM 14 BY MR. NAMMAR:

09:57AM 15 Q Who is shown here?

09:57AM 16 A Lance.

09:57AM 17 Q This is another person that was involved in the robbery?

09:57AM 18 A Yes.

09:57AM 19 MR. NAMMAR: Can we show the witness only 1-47.

09:57AM 20 THE COURT: You may.

09:57AM 21 BY MR. NAMMAR:

09:57AM 22 Q Do you recognize this person?

09:57AM 23 A Yes.

09:57AM 24 Q Who is this?

09:57AM 25 A That was Ashlin.

09:58AM 1 MR. NAMMAR: Move to admit 1-47.

09:58AM 2 THE COURT: I think it's been admitted.

09:58AM 3 MR. NAMMAR: My apologies. May we publish?

09:58AM 4 THE COURT: You may.

09:58AM 5 BY MR. NAMMAR:

09:58AM 6 Q Who is shown here?

09:58AM 7 A Ashlin.

09:58AM 8 Q This is the person that gave you guys the information?

09:58AM 9 A Yes.

09:58AM 10 MR. NAMMAR: Can we show the witness only 1-55?

09:58AM 11 THE COURT: Yes.

09:58AM 12 BY MR. NAMMAR:

09:58AM 13 Q Do you recognize this person?

09:58AM 14 A Yes.

09:58AM 15 Q Who is it?

09:58AM 16 A Timmy.

09:58AM 17 Q This is the person that you gave the dope to after the

09:58AM 18 robbery to sell?

09:58AM 19 A Yes.

09:58AM 20 Q And that you would frequently give other methamphetamine

09:58AM 21 to after robberies to sell?

09:58AM 22 A Yes.

09:58AM 23 Q And this is also the same person that Mr. Stancil gave his

09:58AM 24 share of methamphetamine to sell?

09:58AM 25 A Yes.

09:58AM 1 MR. NAMMAR: Your Honor, I move to admit 1-55.

09:58AM 2 THE COURT: Any objection.

09:58AM 3 MR. KENNEDY: No objection.

09:58AM 4 THE COURT: 1-55 is admitted. You may publish.

09:58AM 5 (Exhibit 1-55 was received in evidence.)

09:58AM 6 BY MR. NAMMAR:

09:58AM 7 Q The jury can see. Can you tell them again who we're
09:59AM 8 looking at here?

09:59AM 9 A That's Timmy, my friend that I used to give the dope to.

09:59AM 10 MR. NAMMAR: Could we publish 1-58?

09:59AM 11 THE COURT: Yes.

09:59AM 12 BY MR. NAMMAR:

09:59AM 13 Q Who is this?

09:59AM 14 A That's Johnnie.

09:59AM 15 Q This person was involved in gun-pointing Ash with you?

09:59AM 16 A Yes.

09:59AM 17 Q And had a mask on?

09:59AM 18 A Yes.

09:59AM 19 MR. NAMMAR: May we publish 1-61?

09:59AM 20 THE COURT: Go ahead.

09:59AM 21 BY MR. NAMMAR:

09:59AM 22 Q Do you recognize this person?

09:59AM 23 A Yes.

09:59AM 24 Q Who is this?

09:59AM 25 A That's Harry.

09:59AM 1 Q Was he involved?

09:59AM 2 A Yes.

09:59AM 3 Q What was he doing?

09:59AM 4 A He called us to get over there to rob Nico. He told us
09:59AM 5 that there was somebody in there that was going to set him up.

09:59AM 6 Q Did he get a share of the methamphetamine?

09:59AM 7 A Yes.

09:59AM 8 Q We can take that down. When you were doing the activity
09:59AM 9 with Mr. Stancil in 2016, was he frequently armed?

10:00AM 10 A Yes.

10:00AM 11 Q Did he have multiple firearms to your knowledge?

10:00AM 12 A Yes.

10:00AM 13 Q What kind of firearms?

10:00AM 14 A Small ones, rifles, pistols.

10:00AM 15 Q Would you see those in his presence?

10:00AM 16 A Yes.

10:00AM 17 MR. NAMMAR: Your Honor, could we show the witness
10:00AM 18 only 1-530? It's a video, no sound.

10:00AM 19 THE COURT: Go ahead.

10:00AM 20 (Video was played.)

10:00AM 21 BY MR. NAMMAR:

10:00AM 22 Q Sorry. I guess there is sound. Could we take it off the
10:00AM 23 screen? Just for the witness, sorry. Can we play it again
10:01AM 24 just for the witness.

10:01AM 25 (Video was played.)

10:01AM 1 BY MR. NAMMAR:

10:01AM 2 Q Mr. Smith, do you recognize the individual with the
10:01AM 3 firearm in this photo?

10:01AM 4 A Yes.

10:01AM 5 Q Who is it?

10:01AM 6 A Johnnie.

10:01AM 7 Q Do you recognize the firearm?

10:01AM 8 A Yes.

10:01AM 9 Q What kind of firearm is that?

10:01AM 10 A It was a 22 Smith and Wesson.

10:01AM 11 Q Is that a firearm you saw him with in or around 2016?

10:01AM 12 A Yes.

10:01AM 13 MR. NAMMAR: Your Honor, I'd move to admit 1-530.

10:01AM 14 THE COURT: Any objection?

10:01AM 15 MR. KENNEDY: No objection.

10:01AM 16 THE COURT: Without objection, that video is admitted
10:01AM 17 and you may play it if you wish.

10:01AM 18 (Exhibit 1-530 was received in evidence.)

10:02AM 19 MR. NAMMAR: Thank you. We can play it now for the
10:02AM 20 jury. I don't think we need the audio.

10:02AM 21 (Video was played.)

10:02AM 22 BY MR. NAMMAR:

10:02AM 23 Q Mr. Smith, what type of firearm was that in the video?

10:02AM 24 A It was a 22 Smith and Wesson.

10:02AM 25 Q And did you see him pointing that firearm at someone in

10:02AM 1 the video?

10:02AM 2 A Yes.

10:02AM 3 Q Who was he pointing it at?

10:02AM 4 A Isaiah.

10:02AM 5 Q Who was Isaiah?

10:02AM 6 A He was one of our friends from Waimanalo.

10:02AM 7 Q Would you frequently hang out with Isaiah at the
10:03AM 8 nightclub?

10:03AM 9 A He would come out with us sometimes.

10:03AM 10 Q Did you recognize the female that Mr. Stancil was with?

10:03AM 11 A No.

10:03AM 12 Q Okay. We can take that down. Also in 2016, did you
10:03AM 13 participate in a robbery of a Palani Mitchell?

10:03AM 14 A Yes.

10:03AM 15 Q Who was that?

10:03AM 16 A He was another drug dealer.

10:03AM 17 Q Why did you guys target Mr. Mitchell?

10:03AM 18 A Because we heard that he had a lot of drugs.

10:03AM 19 Q Who was your intelligence for that robbery?

10:03AM 20 A Keali'i Young and the mom.

10:03AM 21 Q And you said the mom?

10:03AM 22 A Yes.

10:03AM 23 Q Was the mom involved in drug trafficking?

10:03AM 24 A I don't know if she was involved in drug trafficking, but
10:03AM 25 she helped us set it up that day.

10:04AM 1 Q How did she help you set it up?

10:04AM 2 A They called to meet Palani Mitchell at the Lanakila Health

10:04AM 3 Center.

10:04AM 4 Q Was this in the same area where we just looked at?

10:04AM 5 A It was right across the 21 Mart.

10:04AM 6 Q And what was the plan?

10:04AM 7 A Me, Lance, and Keali'i were going to come in there. We

10:04AM 8 were going to light them up and take the drugs.

10:04AM 9 Q What do you mean by "light them up"?

10:04AM 10 A Lance had cop lights in the Challenger we were in.

10:04AM 11 Q He had a Challenger?

10:04AM 12 A Yes.

10:04AM 13 Q And did that resemble a cop car?

10:04AM 14 A Yes.

10:04AM 15 Q How so?

10:04AM 16 A It looked like the charger that the cops drive around.

10:04AM 17 Q He had lights; what did you mean by that?

10:04AM 18 A They were police lights in the car.

10:04AM 19 Q Did Ashlin Akau help out in any way during this robbery?

10:04AM 20 A She was just making sure there was no cops coming down or

10:04AM 21 letting us know when Palani was coming in.

10:04AM 22 Q She was like a lookout?

10:05AM 23 A Yes.

10:05AM 24 Q Did you in fact use the Challenger?

10:05AM 25 A Yes.

10:05AM 1 Q Did you use the cop lights on the Challenger?

10:05AM 2 A Yes.

10:05AM 3 Q What happened?

10:05AM 4 A We drove in, Hammah -- or Lance lit them up with the cop

10:05AM 5 lights. We jumped out with our guns drawn and we robbed Palani

10:05AM 6 for the dope.

10:05AM 7 Q Did you get any dope?

10:05AM 8 A Yes.

10:05AM 9 Q How much do you recall getting?

10:05AM 10 A We took two pounds from Palani and we split it up equally.

10:05AM 11 Q What kind of drugs was it?

10:05AM 12 A It was ice.

10:05AM 13 Q And what did you do with your share?

10:05AM 14 A I gave it to Timmy to sell.

10:05AM 15 Q Like you just talked about, he had a lot of customers?

10:05AM 16 A Yes.

10:05AM 17 MR. NAMMAR: Can we publish 1-31?

10:05AM 18 THE COURT: Go ahead.

10:05AM 19 BY MR. NAMMAR:

10:05AM 20 Q Thank you. Do you recognize who is shown here in 1-31?

10:06AM 21 A Yes.

10:06AM 22 Q Who is it?

10:06AM 23 A Keali'i Young.

10:06AM 24 Q Is this the third person that did this robbery with you,

10:06AM 25 Palani Mitchell?

10:06AM 1 A Yes.

10:06AM 2 MR. NAMMAR: We can take that down. Can we show the
10:06AM 3 witness now, 905 -- or a series of photos from the 13th
10:06AM 4 supplemental, Your Honor? It's 905A as in alpha, 905E, 905J
10:06AM 5 and 905K, for the witness only.

10:06AM 6 THE COURT: All right. And these are all 1 dash the
10:06AM 7 numbers you just said?

10:06AM 8 BY MR. NAMMAR:

10:06AM 9 Q Yes. I apologize.

10:06AM 10 Do you recognize this particular photo?

10:07AM 11 A Yes.

10:07AM 12 Q What is shown here?

10:07AM 13 A One of the masks that was used in the robberies.

10:07AM 14 MR. NAMMAR: Can we show the witness now 1-905E.

10:07AM 15 THE COURT: Go ahead.

10:07AM 16 BY MR. NAMMAR:

10:07AM 17 Q Do you recognize what is shown here?

10:07AM 18 A Yes.

10:07AM 19 Q What is shown here?

10:07AM 20 A Two of the guns we would use in the robberies.

10:07AM 21 MR. NAMMAR: Can we show the witness now 1-905J.

10:07AM 22 THE COURT: Yes.

10:07AM 23 BY MR. NAMMAR:

10:07AM 24 Q What is shown here?

10:07AM 25 A That was after a robbery we just did.

10:07AM 1 Q There was fruits of the robbery?

10:07AM 2 A Yes.

10:07AM 3 (Reporter interruption for clarification.)

10:07AM 4 Q Fruits of the robbery. And what was the answer?

10:07AM 5 A Yes. That was after a robbery we just did.

10:07AM 6 Q 1-905K, can we show that one as well?

10:07AM 7 Do you recognize that?

10:07AM 8 A Yes.

10:08AM 9 Q What's the source of this money?

10:08AM 10 A That was from drugs.

10:08AM 11 MR. NAMMAR: Your Honor, I move to admit 1-905A,

10:08AM 12 1-905E, 1-905J and 1-905K.

10:08AM 13 THE COURT: Any objection to any of those four

10:08AM 14 exhibits from the defense?

10:08AM 15 MR. KENNEDY: No objection.

10:08AM 16 THE COURT: Without objection, those four exhibits are

10:08AM 17 admitted and may be published. That's 1-905A, E, J and K.

10:08AM 18 (Exhibit 1-905A, 1-905E, 1-905J, and 1-905K were received in

10:08AM 19 evidence.)

10:08AM 20 BY MR. NAMMAR:

10:08AM 21 Q We can start with 1-905A as in alpha. We can zoom in a

10:08AM 22 little bit.

10:08AM 23 It's tough to see, but what is shown here?

10:08AM 24 A The masks we used for the robberies.

10:08AM 25 Q Where did you get these masks from?

10:08AM 1 A From Johnnie.

10:08AM 2 MR. NAMMAR: If we could show 1-905E or publish that

10:09AM 3 now.

10:09AM 4 THE COURT: Yes.

10:09AM 5 BY MR. NAMMAR:

10:09AM 6 Q What is shown here?

10:09AM 7 A Some of the guns we were carrying when we was doing the
10:09AM 8 robberies.

10:09AM 9 Q Did you have a number of guns during 2016, '17 and '18?

10:09AM 10 A Yes.

10:09AM 11 Q Where did you get the guns from?

10:09AM 12 A From robbing other drug dealers or grabbing them from
10:09AM 13 Miller.

10:09AM 14 Q Do you recognize any of these guns as being from Miller?

10:09AM 15 A The 357 at the bottom might be.

10:09AM 16 Q Can you circle that?

10:09AM 17 MR. NAMMAR: If we can publish 1-905J now.

10:09AM 18 THE COURT: Yes.

10:09AM 19 BY MR. NAMMAR:

10:09AM 20 Q What is shown here?

10:09AM 21 A That is from a robbery we just did.

10:09AM 22 Q All these items?

10:09AM 23 A Yes.

10:09AM 24 Q Who did you do that robbery with?

10:09AM 25 A Me, Lance, and Dae Han.

10:09AM 1 Q And what did you obtain from robbery?

10:09AM 2 A A pound of coke and there was pills and some money.

10:10AM 3 Q How was that robbery done?

10:10AM 4 A We kicked the door in.

10:10AM 5 Q And who did the robbery with you?

10:10AM 6 A Me, Lance, and Dae Han.

10:10AM 7 Q Were you masked?

10:10AM 8 A Yes.

10:10AM 9 Q Did you have firearms?

10:10AM 10 A Yes.

10:10AM 11 Q Who is Dae Han?

10:10AM 12 A That was like Lance's little protégé.

10:10AM 13 Q His protégé?

10:10AM 14 A Yes.

10:10AM 15 MR. NAMMAR: Could we publish 1-38, Your Honor?

10:10AM 16 THE COURT: You may.

10:10AM 17 BY MR. NAMMAR:

10:10AM 18 Q Thank you. Who is shown here?

10:10AM 19 A Dae Han.

10:10AM 20 Q This is Lance's protégé?

10:10AM 21 A Yes.

10:10AM 22 MR. NAMMAR: Can we publish 1-905 now from the

10:10AM 23 original?

10:10AM 24 THE COURT: Yes.

10:10AM 25 BY MR. NAMMAR:

10:10AM 1 Q And go to page 3, box 10 and zoom in.

10:11AM 2 This photo that we just looked at, is this the same
10:11AM 3 photo that -- the fruits of the robbery?

10:11AM 4 A Yes.

10:11AM 5 Q Who is that robbery victim?

10:11AM 6 A I believe his name was Lane.

10:11AM 7 Q Lane?

10:11AM 8 A Yes.

10:11AM 9 Q And is this another example of you sending a photo to your
10:11AM 10 girlfriend?

10:11AM 11 A Yes.

10:11AM 12 Q And the time stamp associated with this is July 7, 2016?

10:11AM 13 A Yes.

10:11AM 14 Q Is that around the time that you recall sending that
10:11AM 15 photo?

10:11AM 16 A Yes.

10:11AM 17 MR. NAMMAR: And if we -- Your Honor, could we publish
10:11AM 18 now 1-905K?

10:11AM 19 THE COURT: Go ahead.

10:11AM 20 BY MR. NAMMAR:

10:11AM 21 Q Thank you. What is shown here?

10:11AM 22 A Money from drugs.

10:11AM 23 Q And is this from the drugs that you would provide to
10:12AM 24 Timmy?

10:12AM 25 A Yes.

10:12AM 1 Q The one that you said had a lot of customers?

10:12AM 2 A Yes.

10:12AM 3 Q Do you recognize where that photo was taken?

10:12AM 4 A It was in my car.

10:12AM 5 Q You took it?

10:12AM 6 A Yes.

10:12AM 7 Q We can take that down.

10:12AM 8 So also in 2016, did Mr. Miske approach you about a
10:12AM 9 person named Joe Boy Tavares?

10:12AM 10 A Yes.

10:12AM 11 Q Who was that?

10:12AM 12 A He was a chicken fighter on our side from Waimanalo.

10:12AM 13 Q Had you met him before?

10:12AM 14 A I seen him at the fights.

10:12AM 15 Q What did Miske ask for your help with, with respect to Joe
10:12AM 16 Boy Tavares?

10:12AM 17 A He knew I was cruising with Lance a lot, and Lance was
10:13AM 18 kind of -- he was known as a shooter already and he asked me to
10:13AM 19 bring Lance with me to the Kam Shopping Center to talk to him
10:13AM 20 about killing Joe Boy.

10:13AM 21 Q Okay. Did he ask you that over the telephone?

10:13AM 22 A No.

10:13AM 23 Q Did he eventually coordinate the Kam Shopping Center
10:13AM 24 meeting over the telephone or text?

10:13AM 25 A Yes.

10:13AM 1 Q Would you guys communicate using what's called burner
10:13AM 2 phones?
10:13AM 3 A Yes.
10:13AM 4 Q What's a burner phone?
10:13AM 5 A A phone we could throw away after.
10:13AM 6 Q And you said he knew you were cruising with Lance?
10:13AM 7 A Yes.
10:13AM 8 Q What does that mean?
10:13AM 9 A Me and Lance were together every day we were hanging out.
10:13AM 10 Q Did he know you and Lance were committing the robberies,
10:13AM 11 some of which we talked about?
10:13AM 12 A Yes.
10:13AM 13 Q Would you talk to Mr. Miske about the robberies that you
10:13AM 14 and Lance would commit?
10:13AM 15 A Yes.
10:13AM 16 Q What would be his reaction?
10:13AM 17 A Depending on what we did or who we robbed, he would be
10:14AM 18 laughing sometimes.
10:14AM 19 Q He would laugh?
10:14AM 20 A Yes.
10:14AM 21 Q And you said Lance was known as a shooter?
10:14AM 22 A Yes.
10:14AM 23 Q What does that mean?
10:14AM 24 A He wasn't just pulling his gun; he was shooting it, too.
10:14AM 25 Q He was shooting it?

10:14AM 1 A Yes.

10:14AM 2 Q Did Mr. Stancil know -- would you talk with Mr. Stancil
10:14AM 3 about that fact of Lance being a shooter?

10:14AM 4 A Yes.

10:14AM 5 Q Would you talk with Mr. Miske about that, too?

10:14AM 6 A Yes.

10:14AM 7 Q So Mr. Miske knew you were committing a lot of the
10:14AM 8 robberies that we just talked about, and he knew Mr. Bermudez
10:14AM 9 was a shooter.

10:14AM 10 He sets up a meeting at Kam Shopping Center?

10:14AM 11 A Yes.

10:14AM 12 Q Did you go to that meeting?

10:14AM 13 A Yes.

10:14AM 14 Q Did you bring Lance to that meeting?

10:14AM 15 A Yes.

10:14AM 16 Q What happens at that meeting?

10:15AM 17 A Talks to me and then he talks to Lance. He talks about
10:15AM 18 wanting to get Joe Boy done.

10:15AM 19 Q Does he offer ideas about how to do it?

10:15AM 20 A Yes.

10:15AM 21 Q What idea does he give?

10:15AM 22 A He knew Lance was stealing cars. He said that Lance would
10:15AM 23 use a street bike.

10:15AM 24 Q A stolen street bike?

10:15AM 25 A Yes.

10:15AM 1 Q Did he talk about where Joe Boy lived?

10:15AM 2 A Yes.

10:15AM 3 Q What did he say about that?

10:15AM 4 A He said he lives in the back roads of Waimanalo.

10:15AM 5 Q Did Lance agree to do it?

10:15AM 6 A Yes.

10:15AM 7 Q What was going to be your role?

10:15AM 8 A I just brought Lance there.

10:15AM 9 Q You were like the go-between?

10:15AM 10 A Yes.

10:15AM 11 Q You brought Lance to the meet and greet?

10:15AM 12 A Yes.

10:15AM 13 Q And you told us that meeting was coordinated via a burner

10:16AM 14 phone?

10:16AM 15 A Yes.

10:16AM 16 Q Would Mr. Miske provide those to you?

10:16AM 17 A Sometimes.

10:16AM 18 Q Where would he get them, if you know?

10:16AM 19 A From different phone stores, different phone carriers.

10:16AM 20 Q And would they be registered in his name or somebody

10:16AM 21 else's name or your name?

10:16AM 22 A I think they would be registered in somebody else's name.

10:16AM 23 Q Were you guys switching phones all the time?

10:16AM 24 A We did a lot, yes.

10:16AM 25 Q Why?

10:16AM 1 A Because we were paranoid, and that's what the phones are
10:16AM 2 for. They were burners.

10:16AM 3 Q Did you believe the fact that Mr. Miske knew that you and
10:16AM 4 Lance were doing a bunch of robberies made you attractive to
10:16AM 5 him?

10:16AM 6 A Yes.

10:16AM 7 Q Did Mr. Miske discuss price for the Joe Boy contract?

10:17AM 8 A We heard it through him and other people.

10:17AM 9 Q What was the price discussed?

10:17AM 10 A 250,000.

10:17AM 11 Q 250,000?

10:17AM 12 A Yes.

10:17AM 13 Q Did you also have a conversation with John Stancil about
10:17AM 14 that price?

10:17AM 15 A Yes.

10:17AM 16 MR. NAMMAR: May we show the witness only, Your Honor,
10:17AM 17 3-1 from the original list?

10:17AM 18 THE COURT: Go ahead.

10:17AM 19 BY MR. NAMMAR:

10:17AM 20 Q Thank you. Do you recognize this map?

10:17AM 21 A Yes.

10:17AM 22 Q Does it show the area where you met with Mr. Miske and
10:17AM 23 Mr. Bermudez?

10:17AM 24 A Yes.

10:17AM 25 MR. NAMMAR: Your Honor, I move to admit 3-1.

10:17AM 1 THE COURT: Any objection?

10:17AM 2 MR. KENNEDY: No objection.

10:17AM 3 THE COURT: 3-1 is admitted without objection. You

10:17AM 4 may publish.

10:17AM 5 (Exhibit 3-1 was received in evidence.)

10:18AM 6 BY MR. NAMMAR:

10:18AM 7 Q Can we zoom in on this area.

10:18AM 8 Mr. Smith, do you see the area where you met with

10:18AM 9 Mr. Miske and Mr. Bermudez and the murder for hire of Joe Boy

10:18AM 10 was discussed?

10:18AM 11 A Yes.

10:18AM 12 Q Is it the area with the red dot?

10:18AM 13 A Yes.

10:18AM 14 Q We can take that down. After this meeting where Mr.

10:18AM 15 Bermudez agreed to conduct the murder, would Miske contact you

10:18AM 16 via your cell phone for updates about the topic?

10:18AM 17 A Me or Johnnie.

10:18AM 18 Q So you would get pinged some from Johnnie?

10:18AM 19 A Sometimes.

10:18AM 20 Q And you would sometimes get pinged from Miske?

10:18AM 21 A If I seen him, he would ask about it.

10:18AM 22 Q What would they ask you?

10:19AM 23 A I think Lance and Dae Han were going to do it, or if they

10:19AM 24 ever did go by.

10:19AM 25 Q They were asking for updates?

10:19AM 1 A Yes.

10:19AM 2 Q Would you circle back with Lance to see if he went back?

10:19AM 3 A I would ask him sometimes if he went by, but I didn't

10:19AM 4 really pay too much attention to it.

10:19AM 5 Q You didn't go back there?

10:19AM 6 A No.

10:19AM 7 Q You'd never been to Joe Boy's house, just so we're clear?

10:19AM 8 A No.

10:19AM 9 Q But did Lance tell you he had gone out there after he

10:19AM 10 accepted the contract?

10:19AM 11 A Yes.

10:19AM 12 Q Who did he tell you he went with?

10:19AM 13 A He went with Dae Han.

10:19AM 14 Q What did he tell you they did when Dae Han and him went

10:19AM 15 out there?

10:19AM 16 A He told me they were over there waiting outside the house,

10:19AM 17 but Joe did not come out.

10:19AM 18 Q Did he tell you why they were waiting outside?

10:19AM 19 A He said that they were going to do it.

10:19AM 20 Q They were going to kill him?

10:20AM 21 A Yes.

10:20AM 22 Q What were they waiting for Joe Boy to come outside and do?

10:20AM 23 A They were just waiting for their chance to see him.

10:20AM 24 Q Why do you believe that Johnnie was asking you for updates

10:20AM 25 and Miske and asking for updates instead of going directly to

10:20AM 1 Lance?

10:20AM 2 A They didn't want Lance to tell on them. Lance was hanging
10:20AM 3 out with me a lot already.

10:20AM 4 Q Did you talk to Johnnie about the reason why this contract
10:20AM 5 was put out on Joe Boy?

10:20AM 6 A Yes.

10:20AM 7 Q What did Johnnie tell you?

10:20AM 8 A He said that Joe Boy was being represented by the same
10:20AM 9 lawyer Mike had at that time, Tommy. And Joe Boy was
10:21AM 10 cooperating on him and Mills.

10:21AM 11 Q So Joe Boy was providing information about Michael Miske
10:21AM 12 and Wayne Miller?

10:21AM 13 A Yes.

10:21AM 14 Q And that was the reason Johnnie told you that Mr. Miske
10:21AM 15 wanted Joe Boy dead?

10:21AM 16 A Yes.

10:21AM 17 Q Who is Tommy?

10:21AM 18 A That was their lawyer.

10:21AM 19 Q Mr. Miske's lawyer?

10:21AM 20 A Yes.

10:21AM 21 Q Would you -- in 2016, 2017, and '18, would you frequently
10:21AM 22 hang out with Mr. Miske and others at a place called the Bay?

10:21AM 23 A Yes.

10:21AM 24 Q Can you tell the jury what that is?

10:21AM 25 A That was the area we used to go ride jet skis.

10:21AM 1 Q Where was it located?

10:21AM 2 A In Hawaii Kai.

10:21AM 3 Q And who would be there when you would go?

10:22AM 4 A Me, Mike, Johnnie.

10:22AM 5 Q How often were you there?

10:22AM 6 A We would go pretty frequently; sometimes every weekend,

10:22AM 7 sometimes every other weekend.

10:22AM 8 MR. NAMMAR: Your Honor, could we publish 1-1023 from

10:22AM 9 the original, I believe?

10:22AM 10 THE COURT: Yes, go ahead.

10:22AM 11 BY MR. NAMMAR:

10:22AM 12 Q Mr. Smith, do you recognize what is shown here?

10:22AM 13 A Yes.

10:22AM 14 Q What is shown here?

10:22AM 15 A The area where we would go and ride the jet skis.

10:22AM 16 Q Okay. And where would you specifically hang out?

10:22AM 17 A Right in front of that parking lot.

10:23AM 18 Q Can you circle the parking lot.

10:23AM 19 And is that where you would park as well?

10:23AM 20 A Yes.

10:23AM 21 MR. NAMMAR: Can we show the witness only 1-552? I

10:23AM 22 think it's in, Your Honor.

10:23AM 23 THE COURT: Yes, it's an admitted exhibit.

10:23AM 24 MR. NAMMAR: Can we publish it?

10:23AM 25 THE COURT: Yes.

10:23AM 1 BY MR. NAMMAR:

10:23AM 2 Q What is shown here, Mr. Smith, if you recognize it?

10:23AM 3 A It's a picture of us at the Bay.

10:23AM 4 Q This is where you would hang out?

10:23AM 5 A Yes.

10:23AM 6 Q Where are you?

10:23AM 7 A I'm on the far right.

10:23AM 8 Q Drinking the beer?

10:23AM 9 A Yes.

10:23AM 10 Q It's hard to see, but do you recognize the person directly

10:24AM 11 behind you?

10:24AM 12 A Yes.

10:24AM 13 Q Who is that?

10:24AM 14 A Kaulana.

10:24AM 15 Q Who is Kaulana?

10:24AM 16 A Mike's cousin.

10:24AM 17 Q Could you circle where you see Kaulana. Who else do you

10:24AM 18 see in this picture?

10:24AM 19 A Johnnie and Keali'i.

10:24AM 20 Q Can you circle Johnnie first.

10:24AM 21 Who is the person in the white tank top?

10:24AM 22 A The other cousin, Keali'i.

10:24AM 23 Q Keali'i Young?

10:24AM 24 A Keali'i Avester (phonetic).

10:24AM 25 Q Who was that?

10:24AM 1 A That's their cousin.

10:24AM 2 Q Whose cousin?

10:24AM 3 A Johnnie and Mike's.

10:24AM 4 MR. NAMMAR: Can we show the witness only 1-553.

10:24AM 5 THE COURT: This, too, is an admitted exhibit.

10:24AM 6 MR. NAMMAR: I apologize. Can we publish it?

10:24AM 7 THE COURT: Yes.

10:24AM 8 BY MR. NAMMAR:

10:24AM 9 Q Do you recognize this?

10:25AM 10 A Yes.

10:25AM 11 Q Is there an issue with the coloring being purple?

10:25AM 12 A Yes.

10:25AM 13 Q That's not actually how it would have depicted the
10:25AM 14 coloring, correct?

10:25AM 15 A Yes.

10:25AM 16 Q What is shown here?

10:25AM 17 A Me and Johnnie sitting at the Bay.

10:25AM 18 Q Which person are you?

10:25AM 19 A I'm on the right.

10:25AM 20 Q And Johnnie is on the left?

10:25AM 21 A Yes.

10:25AM 22 Q Do you see anything on your right shin? Tough to make
10:25AM 23 out, but right there.

10:25AM 24 A Yes.

10:25AM 25 Q What is that?

10:25AM 1 A That was a La Familia patch.

10:25AM 2 Q What does it mean to have a patch?

10:25AM 3 A It's a jail thing. It's when you are in jail.

10:25AM 4 Q You got this when you were in jail?

10:25AM 5 A Yes.

10:25AM 6 Q Were you part of La Familia when you were in jail?

10:25AM 7 A Yes.

10:25AM 8 Q Did you do anything with La Familia when you were outside

10:25AM 9 of jail?

10:25AM 10 A No.

10:25AM 11 Q Does the gang exist outside of jail, to your belief?

10:25AM 12 A Not really.

10:25AM 13 Q Any of the crimes that you've talked about here today,

10:25AM 14 were they ever done for the benefit of La Familia?

10:26AM 15 A No.

10:26AM 16 Q Do you still have that tattoo?

10:26AM 17 A No.

10:26AM 18 Q What did you do with that tattoo?

10:26AM 19 A It's covered.

10:26AM 20 Q What does it mean to "cover" a tattoo?

10:26AM 21 A That you are out of the gang.

10:26AM 22 THE COURT: Mr. Nammar, would this be a good time?

10:26AM 23 MR. NAMMAR: It would, Your Honor.

10:26AM 24 THE COURT: Sounded like you were about to head to a

10:26AM 25 different direction. So let's go ahead and take our first

10:26AM 1 break of the trial morning. As we go to break, I'll remind our
10:26AM 2 jurors to refrain, please, from discussing the substance of
10:26AM 3 this case with anyone, including each other until I advise you
10:26AM 4 otherwise; please, also, do not access any media or other
10:26AM 5 accounts of this case and do not conduct any independent
10:26AM 6 investigation of your own.

10:26AM 7 We will see you in about 20 minutes.

10:26AM 8 (Proceedings were recessed at 10:26 a.m. to 10:59
10:47AM 9 a.m.)

10:59AM 10 THE COURT: Mr. Nammar, you may continue with your
10:59AM 11 direct of Mr. Smith when you are ready.

10:59AM 12 MR. NAMMAR: Thank you, Your Honor. Could we publish
10:59AM 13 1-46?

10:59AM 14 THE COURT: Go ahead.

10:59AM 15 BY MR. NAMMAR:

10:59AM 16 Q Mr. Smith, do you recognize the person shown in 1-46?

11:00AM 17 A Yes.

11:00AM 18 Q Who is that?

11:00AM 19 A Preston.

11:00AM 20 Q And you mentioned a Preston earlier.

11:00AM 21 (Reporter interruption for clarification.)

11:00AM 22 MR. NAMMAR: Yeah, if you can just make sure that
11:00AM 23 you're close enough to the mic so we can hear you. Thank you.

11:00AM 24 Q Preston, you mentioned him earlier.

11:00AM 25 What, if anything, did he do in relation to

11:00AM 1 Mr. Miske's companies?

11:00AM 2 A He was working at the shop at Kama'aina and he was going
11:00AM 3 to a lot of the car auctions for Hawaii Partners.

11:00AM 4 Q Okay. We can take that down.

11:00AM 5 So you mentioned that in 2015 when you got out of OCCC
11:00AM 6 you started hanging around with Johnnie Stancil, right?

11:00AM 7 A Yes.

11:00AM 8 Q And then in 2015, do you recall hearing about a car crash
11:00AM 9 with Caleb Miske?

11:00AM 10 A I remember hearing about it.

11:01AM 11 Q Did you hear about it from Johnnie?

11:01AM 12 A Yes.

11:01AM 13 Q And did you, on at least one occasion, go to the hospital
11:01AM 14 with Johnnie?

11:01AM 15 A Once or twice.

11:01AM 16 Q Did you stay -- did you go actually in the hospital or did
11:01AM 17 you stay in the car while Johnnie went in?

11:01AM 18 A There was, like, one time I went in and the other time I
11:01AM 19 stayed out.

11:01AM 20 Q Did you learn in 2016 that Caleb Miske passed away?

11:01AM 21 A Yes.

11:01AM 22 Q When he passed away in 2016, did you go to the memorial
11:01AM 23 service for Caleb Miske?

11:01AM 24 A Yes.

11:01AM 25 Q Who do you recall seeing there?

11:01AM 1 A Pretty much everybody around us was there; Russell boy,

11:01AM 2 Johnnie.

11:01AM 3 Q Do you recall if you went with Lance Bermudez?

11:01AM 4 A I didn't go with Lance Bermudez, but I think Lance pulled
11:01AM 5 by.

11:01AM 6 Q You saw him there?

11:01AM 7 A Yes.

11:01AM 8 Q You said Russell?

11:02AM 9 A Yes.

11:02AM 10 Q Who is that?

11:02AM 11 A That's one of Mike's friends.

11:02AM 12 MR. NAMMAR: Your Honor, can we publish 1-36?

11:02AM 13 THE COURT: Go ahead.

11:02AM 14 BY MR. NAMMAR:

11:02AM 15 Q Do you recognize this person?

11:02AM 16 A Yes.

11:02AM 17 Q Who is that?

11:02AM 18 A Russell.

11:02AM 19 Q Do you know a person named Sudi or John Dahl?

11:02AM 20 A I don't know him, but I've heard of him.

11:02AM 21 Q Do you know what he looks like?

11:02AM 22 A No.

11:02AM 23 Q So after Caleb's service, fast forwarding to the summer of
11:02AM 24 2016, do you learn that a Jonathan Fraser goes missing?

11:02AM 25 A Yes.

11:02AM 1 Q Who was Jonathan Fraser, if you know?

11:02AM 2 A I just knew that was Caleb's friend.

11:03AM 3 Q Do you recall where you were when you heard he went

11:03AM 4 missing?

11:03AM 5 A I remember hearing it while I was in jail.

11:03AM 6 Q What were you in jail for?

11:03AM 7 A Probation violation.

11:03AM 8 Q Which jail were you in?

11:03AM 9 A I was in OCCC.

11:03AM 10 Q And did you later hear more information about when exactly

11:03AM 11 he -- as in Jonathan Fraser -- went missing?

11:03AM 12 A Do I remember?

11:03AM 13 Q Like the date.

11:03AM 14 Do you remember hearing more information about the

11:03AM 15 exact date that Jonathan Fraser went missing?

11:03AM 16 A I remember later after that, yeah. I heard it was around

11:03AM 17 the 30th.

11:03AM 18 Q Okay. And you were not incarcerated on the 30th, correct?

11:03AM 19 A No.

11:03AM 20 Q So I want to talk to you about some times around then.

11:03AM 21 On July 29th, was that a day that you recall?

11:04AM 22 A Yes.

11:04AM 23 Q Why?

11:04AM 24 A It's my birthday.

11:04AM 25 Q And did you have plans on July 29th?

11:04AM 1 A Yes.

11:04AM 2 Q What kind of plans?

11:04AM 3 A We went out to the M that night.

11:04AM 4 Q Okay. Did you expect to see Mr. Miske at the M?

11:04AM 5 A I did.

11:04AM 6 Q Why did you?

11:04AM 7 A Because it was my birthday and we were always around.

11:04AM 8 Q Had you let him know in advance of you going to the M that

11:04AM 9 you were going to be at the M?

11:04AM 10 A Yes.

11:04AM 11 Q Did you see Mr. Miske on July 29, 2016, at the M?

11:04AM 12 A No.

11:04AM 13 Q Did you stay out late that night?

11:04AM 14 A Yes.

11:04AM 15 Q Before we get to that, I want to show you a photo 1-764

11:04AM 16 from our original list.

11:04AM 17 THE COURT: For the witness only?

11:04AM 18 MR. NAMMAR: Yes.

11:05AM 19 THE COURT: Go ahead.

11:05AM 20 BY MR. NAMMAR:

11:05AM 21 Q Mr. Smith, do you recognize this photo?

11:05AM 22 A Yes.

11:05AM 23 Q Is that from that night your birthday in 2016?

11:05AM 24 A Yes.

11:05AM 25 MR. NAMMAR: Your Honor, move to admit 1-764.

11:05AM 1 THE COURT: Any objection?

11:05AM 2 MR. KENNEDY: No objection.

11:05AM 3 THE COURT: Without objection, that exhibit is

11:05AM 4 admitted, 1-764. You may publish.

11:05AM 5 (Exhibit 1-764 was received in evidence.)

11:05AM 6 BY MR. NAMMAR:

11:05AM 7 Q Mr. Smith, do you see yourself in this picture?

11:05AM 8 A Yes.

11:05AM 9 Q Can you circle yourself? Second person to the left, is

11:05AM 10 that right?

11:05AM 11 A Yes.

11:05AM 12 Q Are you making an E sign?

11:05AM 13 A Yes.

11:05AM 14 Q What's that for?

11:05AM 15 A For the East side.

11:05AM 16 Q That's not a gang sign?

11:05AM 17 A No.

11:05AM 18 Q Who are the other folks that you recognize? Let's go from

11:05AM 19 right to left, starting with this larger individual on the top

11:05AM 20 right.

11:05AM 21 A That's Abe Estocado.

11:05AM 22 Q And then, this person -- is that person also making an E

11:06AM 23 sign?

11:06AM 24 A Yes, he is always throwing up the E.

11:06AM 25 Q Who is that?

11:06AM 1 A Harry Kauhi.

11:06AM 2 Q And the person below him?

11:06AM 3 A Keali'i Young.

11:06AM 4 Q And then, starting in the back row next to you?

11:06AM 5 A Frank Silva.

11:06AM 6 Q And then you, right?

11:06AM 7 A Yes.

11:06AM 8 Q Who is next to you to the left?

11:06AM 9 A Rocky.

11:06AM 10 Q And the people in the bottom?

11:06AM 11 A The one on the bottom right is Rubin. I don't know who on

11:06AM 12 the left.

11:06AM 13 Q Who is the person on the bottom left?

11:06AM 14 A I don't know the one on the left. The bottom right is

11:06AM 15 Rubin.

11:06AM 16 Q Where is this picture taken?

11:06AM 17 A It was at the M.

11:06AM 18 Q Did you drink free that night?

11:06AM 19 A Yes.

11:06AM 20 Q Did something happen at the M?

11:06AM 21 A Yes.

11:06AM 22 Q What happened?

11:06AM 23 A We got into a fight in the parking garage.

11:06AM 24 Q Did you have to -- did you eventually leave the M and go

11:06AM 25 somewhere else?

11:06AM 1 A Yes.

11:06AM 2 Q Where did you guys go?

11:06AM 3 A We went to Limelight after that.

11:07AM 4 Q What is Limelight?

11:07AM 5 A It's another bar, club.

11:07AM 6 Q Okay. Did you stay out late at Limelight?

11:07AM 7 A Yes.

11:07AM 8 Q Did something also happen at Limelight?

11:07AM 9 A Yes.

11:07AM 10 Q What happened?

11:07AM 11 A We got into another fight at Limelight.

11:07AM 12 Q Okay. Did this one get violent?

11:07AM 13 A Yes.

11:07AM 14 Q What happened?

11:07AM 15 A We were fighting with some other guys and Frankie ended up

11:07AM 16 stabbing somebody that night.

11:07AM 17 Q This is Frankie Silva?

11:07AM 18 A Yes.

11:07AM 19 Q And did you guys leave after that happened quickly?

11:07AM 20 A Yes.

11:07AM 21 Q Where did you guys go to?

11:07AM 22 A I went back to Kahaluu to Abe's house.

11:07AM 23 Q Okay. Was that a big night for you guys?

11:07AM 24 A Yeah. It was a long night.

11:07AM 25 Q And did you stay out really late?

11:07AM 1 A Yes.

11:07AM 2 Q The next day, were you at all involved in Mr. Fraser's
11:08AM 3 disappearance?

11:08AM 4 A No.

11:08AM 5 Q Did you have anything to do with it?

11:08AM 6 A No.

11:08AM 7 Q Did you shortly there -- after he disappeared, did you
11:08AM 8 shortly go in on that violation -- shortly thereafter go in on
11:08AM 9 that violation you mentioned?

11:08AM 10 A Yes.

11:08AM 11 Q And when you got out, do you remember someone picking you
11:08AM 12 up from OCCC?

11:08AM 13 A Yes.

11:08AM 14 Q Who picked you up?

11:08AM 15 A Lance.

11:08AM 16 Q This is Lance Bermudez?

11:08AM 17 A Yes.

11:08AM 18 Q And would you guys frequently talk about the robberies and
11:08AM 19 other crimes you were committing?

11:08AM 20 A Yes.

11:08AM 21 Q Was it important to know what activity he was involved in?

11:08AM 22 A Yes.

11:08AM 23 Q Was it important to know so you could avoid detection from
11:08AM 24 law enforcement if needed?

11:08AM 25 A Yes.

11:08AM 1 Q Was it also helpful to know what was going on so you could
11:09AM 2 watch to see if law enforcement was surveilling you?
11:09AM 3 A Yes.
11:09AM 4 Q Was there a time period in 2016 where you in fact thought
11:09AM 5 you were being surveilled by law enforcement?
11:09AM 6 A Yes.
11:09AM 7 Q What do you recall Lance telling you about Jonathan Fraser
11:09AM 8 when he picked you up from OCCC?
11:09AM 9 MR. KENNEDY: Objection; hearsay, Your Honor.
11:09AM 10 MR. NAMMAR: Coconspirator statement.
11:09AM 11 THE COURT: Overruled. Go ahead.
11:09AM 12 BY MR. NAMMAR:
11:09AM 13 Q You can answer.
11:09AM 14 A I just remember him picking me up and kind of asking me if
11:09AM 15 I heard about it, because it was on the news. He told me he
11:09AM 16 was gone; that Mike was not going to let something like that
11:09AM 17 slide.
11:09AM 18 Q He told you Fraser was gone?
11:09AM 19 A Yes.
11:09AM 20 Q And that Mike wasn't going to let that slide?
11:09AM 21 A Yes.
11:09AM 22 Q Did he tell you anything about a van?
11:10AM 23 A He told me that he --
11:10AM 24 MR. KENNEDY: Objection; hearsay, Your Honor.
11:10AM 25 THE COURT: Overruled. Go ahead.

11:10AM 1 MR. NAMMAR: Past narrative.

11:10AM 2 THE WITNESS: He told me that he picked up the van

11:10AM 3 from Jason at The Bay and it looked like he had tears in his

11:10AM 4 eyes.

11:10AM 5 BY MR. NAMMAR:

11:10AM 6 Q So he told you that he picked up a van from Jason in

11:10AM 7 Hawaii Kai?

11:10AM 8 A Yes, that he believed was used in the Fraser incident.

11:10AM 9 Q Lance told you he thought it was used in the Fraser

11:10AM 10 incident?

11:10AM 11 A Yes.

11:10AM 12 Q Did Lance tell you what he did with the van?

11:10AM 13 A He said he burned it.

11:10AM 14 Q Did he tell you where he burned it?

11:10AM 15 A He didn't tell me.

11:10AM 16 Q Did he tell you anything about the way Jason looked when

11:10AM 17 he picked up the van?

11:10AM 18 A He told me that Jason had tears in his eyes.

11:10AM 19 Q Did you know which Jason he was referring to?

11:10AM 20 A Yes.

11:10AM 21 Q Which Jason?

11:10AM 22 A Yokoyama.

11:10AM 23 Q What was Lance known for, if you know, in the community

11:11AM 24 with respect to cars?

11:11AM 25 A He was good at stealing cars.

11:11AM 1 Q What about burning cars?

11:11AM 2 A He was good at stealing and burning them, getting rid of

11:11AM 3 them.

11:11AM 4 Q Were you aware of him doing that before?

11:11AM 5 A Yes.

11:11AM 6 Q Did Lance mention whether he was with anyone?

11:11AM 7 A He said he was with Dae Han.

11:11AM 8 Q Dae Han Moon?

11:11AM 9 A Yes.

11:11AM 10 Q Following this conversation, do you remember having

11:11AM 11 another conversation at the Bay with Mr. Miske about Jonathan

11:11AM 12 Fraser?

11:11AM 13 A Yes.

11:11AM 14 Q Where were you at the Bay?

11:11AM 15 A We were kind of where we usually sit. We were walking up

11:11AM 16 a little bit so we could get away from everybody.

11:11AM 17 Q You were away from everyone?

11:11AM 18 A Yeah.

11:11AM 19 Q And it was -- was it just you two?

11:11AM 20 A We were just talking, yes.

11:11AM 21 Q Did he start by complaining about Wayne Miller?

11:11AM 22 A Yes.

11:11AM 23 Q What did he say?

11:11AM 24 A That he was unreliable and that he couldn't get anything

11:12AM 25 done.

11:12AM 1 Q Did he say anything about Miller with respect to Jonathan
11:12AM 2 Fraser?
11:12AM 3 A He said that he expected Miller to do it. Miller promised
11:12AM 4 that he would do the thing with Fraser, but he didn't.
11:12AM 5 Q And around that time, had you also noticed that Wayne
11:12AM 6 Miller had stopped showing up at the Bay?
11:12AM 7 A Yes.
11:12AM 8 Q As often?
11:12AM 9 A Yes.
11:12AM 10 Q Did it appear to you that around that time, Mr. Miller had
11:12AM 11 fallen out of good graces with Mr. Miske?
11:12AM 12 A Yes.
11:12AM 13 Q Did Mr. Miske say anything about what happened to Jonathan
11:12AM 14 Fraser?
11:12AM 15 A He didn't tell me who did it. He didn't tell me how it
11:13AM 16 happened. He just said he was gone.
11:13AM 17 Q He was gone?
11:13AM 18 A Yes.
11:13AM 19 Q Did you ask him for details?
11:13AM 20 A Yes.
11:13AM 21 Q And he didn't give you any?
11:13AM 22 A No.
11:13AM 23 Q John Stancil, would he ever joke with you about Jonathan
11:13AM 24 Fraser?
11:13AM 25 A Yes.

11:13AM 1 Q What would he say?

11:13AM 2 MR. KENNEDY: Hearsay, Your Honor.

11:13AM 3 THE COURT: Overruled. Go ahead.

11:13AM 4 THE WITNESS: That -- that Jon Fraser went for a swim.

11:13AM 5 BY MR. NAMMAR:

11:13AM 6 Q Would he ever post things like that on line?

11:13AM 7 A Yes.

11:13AM 8 Q How did you know that?

11:13AM 9 A Because he would post it from a fake Instagram page.

11:13AM 10 Q What would the posting say?

11:13AM 11 A He would be arguing with Lindsey Kinney saying that he's
11:13AM 12 going to end up like Jonathan Fraser and go for a swim.

11:13AM 13 Q And these were under a fake name?

11:13AM 14 A Yes.

11:13AM 15 Q So it wasn't actually under Johnnie Stancil's name?

11:14AM 16 A No.

11:14AM 17 Q It was under an anonymous name?

11:14AM 18 A Yes.

11:14AM 19 Q And he was arguing with Lindsey Kinney, you said?

11:14AM 20 A Yes.

11:14AM 21 Q Is that someone that you and Mr. Miske and John Stancil
11:14AM 22 were in a feud with?

11:14AM 23 A Yes.

11:14AM 24 Q Would John Stancil say anything to you about people that
11:14AM 25 cooperated?

11:14AM 1 A He said that they would end up like Fraser, going for a

11:14AM 2 swim.

11:14AM 3 Q He told you that?

11:14AM 4 A Yes.

11:14AM 5 Q At this point, did you know Mr. Miske pretty well, 2016 to

11:14AM 6 '17?

11:14AM 7 A Fairly.

11:14AM 8 Q Did he appear to you to be the type of person who doesn't

11:14AM 9 forget?

11:14AM 10 A Yes.

11:14AM 11 Q He doesn't forget?

11:14AM 12 A Yes.

11:14AM 13 Q Is he the type of person that doesn't let things go?

11:14AM 14 A Yes.

11:14AM 15 Q You told us about how Bermudez told you that Mr. Miske

11:15AM 16 wasn't going to let the Fraser thing go.

11:15AM 17 Did Stancil ever tell you anything like that?

11:15AM 18 A Yes.

11:15AM 19 Q What did he tell you?

11:15AM 20 A He told me that Mike wouldn't let something like that go.

11:15AM 21 Q What about Frankie? Did he ever tell you anything like

11:15AM 22 that?

11:15AM 23 A Frankie said the same thing.

11:15AM 24 MR. NAMMAR: Your Honor, can we publish 2-101 at this

11:15AM 25 time? I think it's in.

11:15AM 1 THE COURT: Yes, from the original list and admitted.

11:15AM 2 You may publish.

11:15AM 3 BY MR. NAMMAR:

11:15AM 4 Q Thank you. Mr. Smith, 2-101 is on the screen.

11:15AM 5 Do you recognize what is shown here?

11:15AM 6 A Yes.

11:15AM 7 Q What is shown here?

11:15AM 8 A That was the apartment we went to clean jet skis. I think

11:15AM 9 Delia lived there.

11:15AM 10 Q Is this after or before the Bay?

11:16AM 11 A This was after the Bay. We would clean the jet skis.

11:16AM 12 Q Delia, who is that?

11:16AM 13 A Caleb's wife.

11:16AM 14 Q Caleb's wife?

11:16AM 15 A Yes.

11:16AM 16 MR. NAMMAR: Can we publish 1-42, Your Honor, from the

11:16AM 17 original?

11:16AM 18 THE COURT: Go ahead.

11:16AM 19 BY MR. NAMMAR:

11:16AM 20 Q Do you recognize this person shown in 1-42?

11:16AM 21 A Yes.

11:16AM 22 Q Who is that?

11:16AM 23 A Delia.

11:16AM 24 Q Would you frequently -- in 2016 and '17, would you

11:16AM 25 frequently see Delia at the Bay?

11:16AM 1 A Yes.

11:16AM 2 Q Would you talk to her much?

11:16AM 3 A Not much.

11:16AM 4 Q Why not?

11:16AM 5 A We just didn't really talk to her. There was nothing for

11:16AM 6 us to talk to her about.

11:16AM 7 Q Did you ever notice Mr. Miske acting possessive over her?

11:17AM 8 A Yes.

11:17AM 9 Q How so?

11:17AM 10 A He had me follow -- she had GPS on her car one time in

11:17AM 11 Kailua and had me go to the house. He thought she was with a

11:17AM 12 boy named Justin Rezentes.

11:17AM 13 Q And what did he ask you to do with respect to Justin

11:17AM 14 Rezentes?

11:17AM 15 A To assault him.

11:17AM 16 Q How did he know that she had seen Justin Rezentes?

11:17AM 17 A I think from the GPS.

11:17AM 18 Q The tracker you talked about?

11:17AM 19 A Yes.

11:17AM 20 Q That's what he told you?

11:17AM 21 A Yes.

11:17AM 22 Q Did he take you over to Justin's house at some point?

11:17AM 23 A No, I drove over there --

11:17AM 24 Q Where was -- go ahead.

11:17AM 25 A When Johnnie showed me where the house was, I drove over

11:17AM 1 there.

11:17AM 2 Q Where was his house located?

11:17AM 3 A It was across Castle hospital.

11:17AM 4 Q Like Olomana area?

11:17AM 5 A Yes.

11:17AM 6 Q What kind of car did Justin Rezentes have, if you recall?

11:17AM 7 A A black Tacoma.

11:18AM 8 Q Did you end up assaulting him?

11:18AM 9 A No.

11:18AM 10 Q Harry Kauhi, that's somebody that we talked about. Is
11:18AM 11 that someone that you committed the Nico robbery with?

11:18AM 12 A Yes.

11:18AM 13 Q Is that also somebody that you on occasion obtained
11:18AM 14 methamphetamine from?

11:18AM 15 A Yes.

11:18AM 16 Q And would you give that methamphetamine to Tim Taboada to
11:18AM 17 sell?

11:18AM 18 A Yes.

11:18AM 19 Q Did Harry Kauhi ever talk to you about taking money from
11:18AM 20 Wayne Miller?

11:18AM 21 A Yes.

11:18AM 22 Q What did he tell you?

11:18AM 23 MR. KENNEDY: Objection; hearsay, Your Honor. Past
11:18AM 24 narrative.

11:18AM 25 MR. NAMMAR: Coconspirator statement.

11:18AM 1 THE COURT: Overruled. Go ahead.

11:18AM 2 THE WITNESS: He told me that he took 10,000 from
11:18AM 3 Miller and that he was supposed to get 20, but he was going to
11:18AM 4 do the action on his own time.

11:19AM 5 BY MR. NAMMAR:

11:19AM 6 Q What did he tell you he took the money for?

11:19AM 7 A We didn't really get into it at that time. But it just
11:19AM 8 wasn't the same amount of money that I was getting paid.

11:19AM 9 Q What was the amount of money you were getting paid?

11:19AM 10 A 1500 to 2000.

11:19AM 11 Q Did he tell you the money was from Miske?

11:19AM 12 A He said he took it from Miller and Miller told him it was
11:19AM 13 from Miske.

11:19AM 14 Q And so based on the amount, what did you believe the money
11:19AM 15 was for?

11:19AM 16 MR. KENNEDY: Objection; speculation.

11:19AM 17 THE COURT: Sustained.

11:19AM 18 BY MR. NAMMAR:

11:19AM 19 Q Were you aware of -- well, how much were you paid for the
11:19AM 20 assaults?

11:19AM 21 A A thousand dollars, 1500 to 2000.

11:19AM 22 Q So based on that, did you believe it was something worse
11:19AM 23 than an assault?

11:19AM 24 A Yes.

11:19AM 25 Q When you got released from OCCC, was that in August of

11:20AM 1 2016?

11:20AM 2 A I'm not sure.

11:20AM 3 Q Did you commit more robberies after you got out when Lance

11:20AM 4 picked you up?

11:20AM 5 A When I came out, yes, I committed more robberies.

11:20AM 6 Q Do you recall committing a robbery of a Brandon Ota?

11:20AM 7 A Yes.

11:20AM 8 Q Do you recall that being on August 24th of 2016?

11:20AM 9 A Yes.

11:20AM 10 Q Is that how you were -- were you continuing to make money

11:20AM 11 throughout 2016 doing robberies?

11:20AM 12 A Yes.

11:20AM 13 Q What kind of robbery was this?

11:20AM 14 A It was a drug dealer, and we took some drugs and some --

11:20AM 15 his chains.

11:20AM 16 Q Where did Mr. Ota live?

11:20AM 17 A In Kaneohe.

11:20AM 18 Q And who did you do the robbery with?

11:21AM 19 A Me, Lance Bermudez, and James Salas.

11:21AM 20 Q Who was James Salas?

11:21AM 21 A He was a friend of mine from jail.

11:21AM 22 Q Did you at one point live with James Salas?

11:21AM 23 A Yes, he lived with me.

11:21AM 24 Q Where did you guys get the intelligence for this robbery?

11:21AM 25 A From Hunter Wilson.

11:21AM 1 Q Who was Hunter Wilson?

11:21AM 2 A He was just a friend from Kaneohe Kahaluu.

11:21AM 3 Q And what did Hunter Wilson tell you?

11:21AM 4 A That he was living over there with Brandon Ota and that

11:21AM 5 Brandon Ota was selling all the drugs. He said that the bottom

11:21AM 6 door of the house stayed unlocked.

11:21AM 7 Q So he told you how you guys could access the house?

11:21AM 8 A Yes.

11:21AM 9 Q Did you, Lance and Salas end up doing the robbery?

11:21AM 10 A Yes.

11:21AM 11 Q What were you guys wearing?

11:21AM 12 A Black long-sleeved hoodies, sweats, and our masks.

11:22AM 13 Q Did anyone have firearms?

11:22AM 14 A Yes.

11:22AM 15 Q Who had firearms?

11:22AM 16 A Me and Lance, and I think James had a baton or something.

11:22AM 17 Q A baton?

11:22AM 18 A Maybe a pistol, yeah.

11:22AM 19 Q What happened to the robbery?

11:22AM 20 A We went into the house. We went through the door that

11:22AM 21 didn't lock. We ran up. Brandon Ota was looking over the

11:22AM 22 balcony and we robbed him of his jewelry and the drugs.

11:22AM 23 Q What did you end up getting as far as drugs?

11:22AM 24 A I forget exactly what we took already, but we took two of

11:22AM 25 his chains and we got a 38 out of the house.

11:22AM 1 Q A firearm?

11:22AM 2 A Yeah.

11:22AM 3 Q And you recall getting drugs; you just don't remember what
11:22AM 4 type?

11:22AM 5 A Yes. Xanax.

11:22AM 6 MR. NAMMAR: Your Honor, could we show the witness
11:23AM 7 only 1-498 from the original list.

11:23AM 8 THE COURT: Go ahead.

11:23AM 9 BY MR. NAMMAR:

11:23AM 10 Q Thank you. Mr. Smith, do you recognize this photo?

11:23AM 11 A Yes.

11:23AM 12 Q Is this -- who is in this photo?

11:23AM 13 A Me, Lance, and James.

11:23AM 14 Q Is this in close proximity to the Brandon Ota robbery that
11:23AM 15 you just talked about?

11:23AM 16 A Yes.

11:23AM 17 Q Was it right after it?

11:23AM 18 A Yes.

11:23AM 19 MR. NAMMAR: Your Honor, I move to admit 1-498.

11:23AM 20 THE COURT: Any objection?

11:23AM 21 MR. KENNEDY: No objection.

11:23AM 22 THE COURT: That exhibit is admitted without
11:23AM 23 objection, 1-498. You may publish.

11:23AM 24 (Exhibit 1-498 was received in evidence.)

11:23AM 25 BY MR. NAMMAR:

11:23AM 1 Q The jury can see it, Mr. Smith.

11:23AM 2 Who is shown in this photo?

11:23AM 3 A Me, Lance, and James.

11:23AM 4 Q Where is Lance? Can you circle Lance. Are those

11:24AM 5 chains -- did you get those during the robberies?

11:24AM 6 A Yes.

11:24AM 7 Q The chains that Lance is wearing?

11:24AM 8 A Yes.

11:24AM 9 Q And where is James, can you circle him? And where are

11:24AM 10 you? What do you have in your hand?

11:24AM 11 A Mini AR-15.

11:24AM 12 Q Whose gun was that?

11:24AM 13 A Lance's.

11:24AM 14 MR. NAMMAR: Can we show the witness 1-494 from the

11:24AM 15 original list?

11:24AM 16 THE COURT: Go ahead.

11:24AM 17 BY MR. NAMMAR:

11:24AM 18 Q Do you recognize this, Mr. Smith?

11:24AM 19 A Yes.

11:24AM 20 Q What is this?

11:24AM 21 A That was Lance's little kit he had.

11:24AM 22 Q His kit?

11:24AM 23 A Yes.

11:24AM 24 Q His kit for what?

11:24AM 25 A For -- he would always have in his car. That was for --

11:25AM 1 to do robberies, pretty much what he needed to be able to do

11:25AM 2 his robberies.

11:25AM 3 MR. NAMMAR: Your Honor, I move to admit 1-494.

11:25AM 4 THE COURT: Any objection.

11:25AM 5 MR. KENNEDY: No objection.

11:25AM 6 THE COURT: 1-494 is admitted without objection. You

11:25AM 7 may show it to the jury.

11:25AM 8 (Exhibit 1-494 was received in evidence.)

11:25AM 9 BY MR. NAMMAR:

11:25AM 10 Q Thank you. Do you recognize this as Lance's kit?

11:25AM 11 A Yes.

11:25AM 12 Q What is in here?

11:25AM 13 A An AK47, his mask, his ice pipe, bolt cutters, gloves.

11:25AM 14 Q Okay. Where is the ice pipe; can you circle that? And

11:25AM 15 did Mr. Bermudez use ice?

11:25AM 16 A Yes.

11:25AM 17 MR. NAMMAR: Can we show the witness only, Your Honor,

11:25AM 18 1-503.

11:25AM 19 THE COURT: Go ahead.

11:25AM 20 BY MR. NAMMAR:

11:25AM 21 Q Do you recognize what is shown here?

11:25AM 22 A Yes.

11:26AM 23 Q What is shown here?

11:26AM 24 A It's a tattoo that Lance got on his arm.

11:26AM 25 MR. NAMMAR: I move to admit 1-503.

11:26AM 1 THE COURT: Any objection?

11:26AM 2 MR. KENNEDY: No objection.

11:26AM 3 THE COURT: 1-503 is admitted without objection. You

11:26AM 4 may publish.

11:26AM 5 (Exhibit 1-503 was received in evidence.)

11:26AM 6 BY MR. NAMMAR:

11:26AM 7 Q The jury can see it. Which tattoo are you referring to

11:26AM 8 that he got on his arm?

11:26AM 9 A The get out of jail free card Monopoly thing with Alen's

11:26AM 10 name on it.

11:26AM 11 Q Alen Kaneshiro?

11:26AM 12 A Yes.

11:26AM 13 Q That's his phone number below it?

11:26AM 14 A Yes.

11:26AM 15 Q Who is Alen Kaneshiro?

11:26AM 16 A That was a lawyer Mike had for us.

11:26AM 17 Q A lawyer?

11:26AM 18 A Yes.

11:26AM 19 Q Did Lance tell you why he had his number tattooed on his

11:26AM 20 arm?

11:26AM 21 A He said that was his get out of jail free card if he

11:27AM 22 called Alen.

11:27AM 23 Q And you said it was a lawyer that Mike got for you?

11:27AM 24 A Yes.

11:27AM 25 Q Was there a time when Mr. Miske paid for Alen to represent

11:27AM 1 you?

11:27AM 2 A In the beginning.

11:27AM 3 Q Were you aware that there was a time when he also did the
11:27AM 4 same for Lance Bermudez?

11:27AM 5 A Yes.

11:27AM 6 Q And Dae Han Moon?

11:27AM 7 A Yes.

11:27AM 8 Q During this time, you mentioned get out of jail free and
11:27AM 9 Alen.

11:27AM 10 Did you all believe that Alen could help you stay out
11:27AM 11 of jail?

11:27AM 12 A Yes.

11:27AM 13 Q Did Alen also provide you with information about pending
11:27AM 14 investigations when you were -- in or around 2016 and '17?

11:28AM 15 A Yes.

11:28AM 16 Q Did it appear to you that he could obtain information
11:28AM 17 about things that the police knew?

11:28AM 18 A Yes.

11:28AM 19 Q And did that appear to be helpful to you?

11:28AM 20 A Yes.

11:28AM 21 Q And towards the fall of 2016, had you all committed a
11:28AM 22 number of crimes?

11:28AM 23 A Yes.

11:28AM 24 Q Many of which were in broad daylight?

11:28AM 25 A Yes.

11:28AM 1 Q And had you been prosecuted for any of those crimes in
11:28AM 2 2016?

11:28AM 3 A No.

11:28AM 4 Q Did you feel like you had protection from Alen Kaneshiro,
11:28AM 5 the attorney you got from Michael Miske?

11:28AM 6 A Yes.

11:28AM 7 Q Did you -- you talked about a lot robberies, many of which
11:28AM 8 were of drug dealers, correct?

11:28AM 9 A Yes.

11:28AM 10 Q Did you also feel like you had protection from Miske from
11:29AM 11 retaliation of those people you were robbing?

11:29AM 12 A Yes.

11:29AM 13 Q Why is that?

11:29AM 14 A We had a big group and everybody was committing crimes.
11:29AM 15 Everybody was scared of Mike.

11:29AM 16 MR. NAMMAR: Your Honor, could we publish 1-498 at
11:29AM 17 this time.

11:29AM 18 THE COURT: Yes.

11:29AM 19 BY MR. NAMMAR:

11:29AM 20 Q This person that you talked about as James Salas --

11:29AM 21 A Yes.

11:29AM 22 Q -- did you end up having a falling out with him after this
11:29AM 23 robbery with Mr. Ota?

11:29AM 24 A Yes.

11:29AM 25 Q What did you have a falling out with Mr. Salas over?

11:30AM 1 A I was currently on the run that year. He was staying at
11:30AM 2 my house, and he ended up robbing my house.
11:30AM 3 Q He stole some things from your house?
11:30AM 4 A Yes.
11:30AM 5 Q Were you really mad at him when he did that?
11:30AM 6 A Yes, I was.
11:30AM 7 Q Did you talk to Lance Bermudez about it?
11:30AM 8 A Yes.
11:30AM 9 Q Did you mention to Lance that you wanted -- in 2016, did
11:30AM 10 you mention to Lance that you wanted James Salas dead?
11:30AM 11 A Yes.
11:30AM 12 Q Did you mean that?
11:30AM 13 A No.
11:30AM 14 Q Later on, after you were mad at Salas, did you mend your
11:30AM 15 relationship with him?
11:30AM 16 A Yes, we were cruising again.
11:30AM 17 Q What do you mean by cruising?
11:30AM 18 A He was back with us, like, right after that again.
11:30AM 19 Q And was that -- did you mend your relationship with him
11:30AM 20 well before you went in August of 2018 to federal prison?
11:30AM 21 A Yes.
11:30AM 22 Q Did you learn about a year later after you went into
11:30AM 23 federal prison that James Salas had been killed?
11:30AM 24 A Yes.
11:30AM 25 Q Where was he killed?

11:30AM 1 A In OCCC.

11:30AM 2 Q Did you have anything to do with that?

11:30AM 3 A No.

11:31AM 4 Q Where were you at the time he was killed?

11:31AM 5 A I was locked up for two or three years in FDC.

11:31AM 6 MR. NAMMAR: Could we show the witness only

11:31AM 7 Exhibit 1-510?

11:31AM 8 THE COURT: Go ahead.

11:31AM 9 BY MR. NAMMAR:

11:31AM 10 Q Mr. Smith, do you recognize this photo?

11:31AM 11 A Yes.

11:31AM 12 Q What is it of?

11:31AM 13 A Me and Lance.

11:31AM 14 Q Is this in or around the 2016 time?

11:31AM 15 A I think so, yes.

11:31AM 16 Q As you mentioned before, were you continuing --

11:31AM 17 MR. NAMMAR: Oh, Your Honor, I move to admit 1-510.

11:31AM 18 THE COURT: Any objection?

11:31AM 19 MR. KENNEDY: No objection.

11:31AM 20 THE COURT: 1-510 is admitted then. Without
11:31AM 21 objection, you may publish.

11:31AM 22 (Exhibit 1-510 was received in evidence.)

11:31AM 23 BY MR. NAMMAR:

11:31AM 24 Q Who is shown in this photo?

11:32AM 25 A Me and Lance.

11:32AM 1 Q Were you continuing to commit robberies with Lance

11:32AM 2 throughout the back half of 2016?

11:32AM 3 A Yes.

11:32AM 4 Q And as you talked about, did you continue to report back

11:32AM 5 to Miske on some of those robberies?

11:32AM 6 A He knew we were robbing people.

11:32AM 7 Q And did you believe that it was helpful that he knew that

11:32AM 8 you were capable of those types of violent crimes?

11:32AM 9 A Yes.

11:32AM 10 Q We can take that down.

11:32AM 11 Also in 2016, did you rob a game room in Mapunapuna?

11:32AM 12 A Yes.

11:32AM 13 Q Which game room was that?

11:32AM 14 A It was in the industrial area of Mapunapuna.

11:32AM 15 Q And who did you do that robbery with?

11:32AM 16 A Me and Lance.

11:32AM 17 Q Did you have help from anyone that was inside the game

11:33AM 18 room?

11:33AM 19 A I had Timmy go inside the game room to see how many people

11:33AM 20 were playing and how much security was in there.

11:33AM 21 Q And did he report back to you?

11:33AM 22 A Yes.

11:33AM 23 Q And based on what he reported, did you and Lance rob the

11:33AM 24 game room?

11:33AM 25 A Yes.

11:33AM 1 Q How did it go down?

11:33AM 2 A I had Tim come out. He opened the first door. We kicked
11:33AM 3 in the second door. We ran through. Lance grabbed the first
11:33AM 4 security guard and I laid down the second security guard. I
11:33AM 5 took the cashier in the back and we took the money.

11:33AM 6 Q How much money did you get?

11:33AM 7 A About 5,000.

11:33AM 8 MR. NAMMAR: Can we show the witness only 1-922 from
11:33AM 9 the original list?

11:33AM 10 THE COURT: Go ahead.

11:33AM 11 BY MR. NAMMAR:

11:34AM 12 Q Thank you. And if you can scroll through it, do you
11:34AM 13 recall reviewing these text messages prior to your testimony?

11:34AM 14 A Yes.

11:34AM 15 Q And are these text messages with Tim Taboada?

11:34AM 16 A Yes.

11:34AM 17 Q Where he is providing you intelligence for who is in the
11:34AM 18 game room for this particular robbery?

11:34AM 19 A Yes.

11:34AM 20 MR. NAMMAR: Your Honor, I move to admit 1-922 at this
11:34AM 21 time.

11:34AM 22 THE COURT: Any objection?

11:34AM 23 MR. KENNEDY: Let me turn to it for a second.

11:34AM 24 THE COURT: Yes, go ahead.

11:34AM 25 MR. KENNEDY: No objection.

11:34AM 1 THE COURT: 1-922 is admitted without objection. You
11:34AM 2 may publish.
11:34AM 3 (Exhibit 1-922 was received in evidence.)
11:34AM 4 BY MR. NAMMAR:
11:34AM 5 Q So just looking at the top, is that the phone number for
11:35AM 6 Tim Taboada?
11:35AM 7 A Yes.
11:35AM 8 Q Did you refer to him as Timmy?
11:35AM 9 A Yes.
11:35AM 10 Q And then if we zoom in on these two messages, this is a
11:35AM 11 message that you sent to Tim?
11:35AM 12 A Yes.
11:35AM 13 Q You are asking if there are choke people and how many
11:35AM 14 workers?
11:35AM 15 A Yes.
11:35AM 16 Q Why did you want to know that?
11:35AM 17 A Because I needed to know how much security was in the room
11:35AM 18 before we robbed it.
11:35AM 19 Q Okay. And if we go to the next page, we can zoom in. We
11:35AM 20 can just start moving down.
11:35AM 21 He tells you three workers, and then your response is,
11:36AM 22 "How much playing?" It's a question to him?
11:36AM 23 A Yes.
11:36AM 24 Q And he tells you, like, ten or more?
11:36AM 25 A Yes.

11:36AM 1 Q And then you say, "Got one weird guy standing outside."
11:36AM 2 And if we keep going. And Tim responds to you, "I think he was
11:36AM 3 just playing."
11:36AM 4 Do you see that?
11:36AM 5 A Yes.
11:36AM 6 Q And you say "Okay, not CRU."
11:36AM 7 What does CRU refer to?
11:36AM 8 A The crime reduction unit.
11:36AM 9 Q Okay. And the date that's associated with this is
11:36AM 10 November 2016.
11:36AM 11 Is that when you think you committed this robbery of
11:36AM 12 the game room?
11:36AM 13 A Yes.
11:36AM 14 Q And if we go down to the last messages, the last two. On
11:36AM 15 November 17th, you're asking him "nobody got straps for sale,"
11:37AM 16 do you see that?
11:37AM 17 A Yes.
11:37AM 18 Q What does straps mean?
11:37AM 19 A We were asking if anybody had guns for sale.
11:37AM 20 Q What is Timmy's response?
11:37AM 21 A Not that I know of.
11:37AM 22 Q Where would you get the firearms that you used for these
11:37AM 23 robberies?
11:37AM 24 A Some I would get from Mills. Some I get from Lance. But
11:37AM 25 a few I've been caught with, I got busted with them from Mills.

11:37AM 1 Q That's Wayne Miller?

11:37AM 2 A Yes.

11:37AM 3 MR. NAMMAR: Could we show the witness only 1-709,

11:37AM 4 Your, Honor, from the original list?

11:37AM 5 THE COURT: Go ahead.

11:37AM 6 BY MR. NAMMAR:

11:37AM 7 Q Thank you. Do you recognize the map that's shown here as

11:38AM 8 the Mapunapuna area?

11:38AM 9 A Yes.

11:38AM 10 Q Does this appear to you to be an accurate map of the

11:38AM 11 Mapunapuna area?

11:38AM 12 A Yes.

11:38AM 13 MR. NAMMAR: Your Honor, I move to admit 1-709.

11:38AM 14 MR. KENNEDY: No objection.

11:38AM 15 THE COURT: 1-709 is admitted. You may publish.

11:38AM 16 (Exhibit 1-709 was received in evidence.)

11:38AM 17 BY MR. NAMMAR:

11:38AM 18 Q If we can just zoom in, like, right here.

11:38AM 19 Do you see the area where you committed the robbery on

11:38AM 20 this map, the general vicinity?

11:38AM 21 A I don't know the exact area but I know it was in this

11:38AM 22 industrial area back here.

11:38AM 23 Q If you can circle the general area where you think it was.

11:39AM 24 For the record, you're circling just mauka of IHop,

11:39AM 25 correct?

11:39AM 1 A I think so.

11:39AM 2 Q We can take that down. So still in 2016, did Mr. Miske

11:39AM 3 task you with assaulting somebody named Shayden Wolf?

11:39AM 4 A Yes.

11:39AM 5 Q What did he say about Shayden Wolf?

11:39AM 6 A That the kid stole one of his nephew's chains.

11:39AM 7 Q What did you know about Shayden Wolf?

11:39AM 8 A I didn't know much about him.

11:39AM 9 Q Did you know who Miske's nephew was?

11:39AM 10 A Not really, but I've heard of him around.

11:39AM 11 Q Okay. And what did Miske tell you to do?

11:39AM 12 A To assault him -- have somebody assault him.

11:40AM 13 Q Okay. So he specifically had told you to have somebody

11:40AM 14 assault him?

11:40AM 15 A Yes.

11:40AM 16 Q And did you follow through on his request?

11:40AM 17 A Yes.

11:40AM 18 Q Who did you have assault Shayden Wolf?

11:40AM 19 A Keoni Adric.

11:40AM 20 Q And were you present when that happened?

11:40AM 21 A Yes.

11:40AM 22 Q Where did it go down?

11:40AM 23 A At the Waimanalo Apartments.

11:40AM 24 Q What happened during the assault?

11:40AM 25 A We were parked in the Waimanalo Apartments. Keoni jumped

11:40AM 1 out and punched Shayden a few times.

11:40AM 2 Q Did you get any money afterwards from Mr. Miske?

11:40AM 3 A We did.

11:40AM 4 Q Do you recall how much?

11:40AM 5 A I think a thousand dollars.

11:40AM 6 MR. NAMMAR: Can we show the witness only 1-919, Your

11:41AM 7 Honor, from the original list?

11:41AM 8 THE COURT: Go ahead.

11:41AM 9 BY MR. NAMMAR:

11:41AM 10 Q Thank you. The contact M2, who do you recognize that to
11:41AM 11 be?

11:41AM 12 A That's Mike.

11:41AM 13 Q And if we look at the first bubble, this is you texting
11:41AM 14 Michael Miske?

11:41AM 15 A Yes.

11:41AM 16 Q And is this in regard to the assault on Shayden Wolf?

11:41AM 17 A Yes.

11:41AM 18 Q And the communications that follow are coordinating to
11:41AM 19 meet up with Michael Miske?

11:41AM 20 A Yes.

11:41AM 21 MR. NAMMAR: Your Honor, I move to admit 1-919.

11:41AM 22 THE COURT: Any objection?

11:41AM 23 MR. KENNEDY: No objection.

11:41AM 24 THE COURT: 1-919 is admitted then. Without
11:41AM 25 objection, you may publish.

11:41AM 1 (Exhibit 1-919 was received in evidence.)

11:41AM 2 BY MR. NAMMAR:

11:41AM 3 Q Thank you. If we zoom in here at the top, so M2, is that
11:42AM 4 a contact that you had for Mr. Miske in your phone?

11:42AM 5 A Yes.

11:42AM 6 Q And then if we look at the first text messages, zoom in on
11:42AM 7 that. First off, it says "bro."

11:42AM 8 Is that a word -- that's a generic term, right?

11:42AM 9 A Yes.

11:42AM 10 Q But is it also a term that you would use to refer to
11:42AM 11 Mr. Miske?

11:42AM 12 A Yes.

11:42AM 13 Q Would you use that term with John Stancil to refer to
11:42AM 14 Mr. Miske?

11:42AM 15 A Yes.

11:42AM 16 Q And Lance Bermudez?

11:42AM 17 A Yes.

11:42AM 18 Q And others?

11:42AM 19 A Yes.

11:42AM 20 Q It says -- first it says, "Bro, this is J."

11:42AM 21 What did you mean by J?

11:42AM 22 A This is Jake.

11:42AM 23 Q "This is my new number. We just went light up the boy
11:42AM 24 that took Denver chain right outside his house. Call me."

11:42AM 25 What is that a reference to?

11:42AM 1 A To the kid Shayden Wolf.

11:42AM 2 Q Who is Denver?

11:42AM 3 A That was the nephew.

11:43AM 4 Q And then, in blue there, is that Mr. Miske's response?

11:43AM 5 A Yes.

11:43AM 6 Q "Fly up to Starbucks Ward."

11:43AM 7 A Yes.

11:43AM 8 Q What does that refer to?

11:43AM 9 A Come up there to meet him at Starbucks.

11:43AM 10 Q Is that a place that you were aware that Mr. Miske would

11:43AM 11 hang out quite a bit?

11:43AM 12 A Yes.

11:43AM 13 Q Was that near his office?

11:43AM 14 A Yes.

11:43AM 15 Q In Kaka'ako?

11:43AM 16 A Yes.

11:43AM 17 Q And if we keep scrolling down, your response is "you're

11:43AM 18 coming now, Bro. Wait for me, I be there"?

11:43AM 19 A Yes.

11:43AM 20 Q "I'll be there in two minutes, taking Kinau."

11:43AM 21 Do you see that?

11:43AM 22 A Yes.

11:43AM 23 Q What is "Kinau"?

11:43AM 24 A The exit on one of the cut-offs.

11:43AM 25 Q So it's near by to the Starbucks?

11:43AM 1 A Yes.

11:43AM 2 Q And then later on, there is a gap that's on October 19th,
11:43AM 3 right?

11:43AM 4 A Um-hm.

11:43AM 5 Q Below that, there is a gap in time; do you see that?

11:44AM 6 A Yes.

11:44AM 7 Q Next message is in November; do you see that?

11:44AM 8 A Yes.

11:44AM 9 Q Did you meet up with Mr. Miske at the Starbucks Ward?

11:44AM 10 A Yes.

11:44AM 11 Q What happened there?

11:44AM 12 A I got paid there.

11:44AM 13 Q For this assault?

11:44AM 14 A Yes.

11:44AM 15 Q Did you give any of the money to Adric?

11:44AM 16 A Yes.

11:44AM 17 Q How much?

11:44AM 18 A We split it.

11:44AM 19 Q We can take that down.

11:44AM 20 Also in 2016, did you ever ask for Ashlin Akau's
11:44AM 21 assistance in renting a safe car?

11:44AM 22 A Yes.

11:44AM 23 Q Why did you do that?

11:44AM 24 A Because we were -- Lance mostly -- only had stolen cars.

11:44AM 25 Q What does it --

11:44AM 1 A He needed a safe car to drive around in.

11:44AM 2 Q What do you mean by "safe car"?

11:44AM 3 A A legal car that we didn't have to worry about getting
11:45AM 4 chased in.

11:45AM 5 Q And did Ashlin Akau assist you with that?

11:45AM 6 A Yes.

11:45AM 7 Q Did Norman Akau help out at all?

11:45AM 8 A Yes.

11:45AM 9 Q How?

11:45AM 10 A He contacted her and had her go get me the car.

11:45AM 11 Q And at this point in time, had you started to, at times,
11:45AM 12 been romantically involved with Ashlin Akau?

11:45AM 13 A She was my friend.

11:45AM 14 Q Did you end up getting the car?

11:45AM 15 A Yes.

11:45AM 16 Q From Ashlin?

11:45AM 17 A Yes.

11:45AM 18 Q And did you let Lance drive it?

11:45AM 19 A Yes.

11:45AM 20 Q Did you also let Dae Han drive the car?

11:45AM 21 A Yes.

11:45AM 22 Q Were you made aware from Dae Han about something that
11:45AM 23 happened in the car?

11:45AM 24 A Yes.

11:45AM 25 Q What happened in the car?

11:45AM 1 A Me and Lance were at our friend's house one day and Dae

11:46AM 2 Han told us that he just got into a shooting in the car.

11:46AM 3 Q And at that point in time, was that the end of the car

11:46AM 4 being a safe car?

11:46AM 5 A Yes.

11:46AM 6 Q What happened with the car?

11:46AM 7 A We had to return it.

11:46AM 8 MR. NAMMAR: Can we publish, Your Honor, 1-706 from

11:46AM 9 the original list?

11:46AM 10 THE COURT: Yes. Go ahead.

11:46AM 11 BY MR. NAMMAR:

11:46AM 12 Q Do you recognize this car?

11:46AM 13 A Yes.

11:46AM 14 Q Does it look to you to be the same as the safe car?

11:46AM 15 A Yes.

11:46AM 16 Q We can take that down.

11:46AM 17 Also in the back half of 2016, did you learn that Dae

11:46AM 18 Han and Lance were getting cars from the docks?

11:47AM 19 A Yes.

11:47AM 20 Q How were they doing that?

11:47AM 21 A They were cutting holes big enough to drive out of the

11:47AM 22 fence.

11:47AM 23 Q And then stealing cars?

11:47AM 24 A Yes.

11:47AM 25 Q Did you become aware of Dae Han getting arrested for being

11:47AM 1 in one of those cars?

11:47AM 2 A Yes.

11:47AM 3 Q Was that in or around December of 2016?

11:47AM 4 A Yes.

11:47AM 5 Q And did you learn information that he had a firearm in
11:47AM 6 that car?

11:47AM 7 A Yes.

11:47AM 8 Q Shortly thereafter, did Lance Bermudez also get arrested?

11:47AM 9 A Yes.

11:47AM 10 Q And do they both end up to be representative by Alen
11:47AM 11 Kaneshiro?

11:47AM 12 A In the beginning.

11:47AM 13 Q At the beginning?

11:47AM 14 A Yes.

11:47AM 15 Q And Alen, as you mentioned, was Miske's contact?

11:47AM 16 A Yes.

11:47AM 17 Q And he also represented you at times?

11:47AM 18 A Yes.

11:47AM 19 Q Did Mr. Miske tell anything to you about offering your
11:48AM 20 services to Alen Kaneshiro?

11:48AM 21 A He did.

11:48AM 22 Q What did he tell you?

11:48AM 23 A He told me that if I couldn't pay him, then I should go
11:48AM 24 there and let him know that I can do something for him.

11:48AM 25 Q Do what?

11:48AM 1 A Just let him know that I could put in work for him.

11:48AM 2 Q What did you think he was referring to with "work"?

11:48AM 3 A I'm guessing assault somebody.

11:48AM 4 Q What did you think about that idea?

11:48AM 5 A I didn't do it because he was a lawyer.

11:48AM 6 Q You thought it was a bad idea?

11:48AM 7 A Yes.

11:48AM 8 MR. NAMMAR: Can we show the witness only 1-944 at
11:48AM 9 this time, Your Honor?

11:48AM 10 THE COURT: Go ahead.

11:48AM 11 BY MR. NAMMAR:

11:48AM 12 Q Thank you. Do you recognize the contact on this message?

11:49AM 13 A Yes.

11:49AM 14 Q Who is that contact?

11:49AM 15 A Alen.

11:49AM 16 Q This is the lawyer, Alen Kaneshiro?

11:49AM 17 A Yes.

11:49AM 18 Q And do you recognize the green bubble to be a message from
11:49AM 19 you?

11:49AM 20 A Yes.

11:49AM 21 Q And are you asking for an update on the status of a
11:49AM 22 pending criminal investigation?

11:49AM 23 A Yes.

11:49AM 24 Q Is this one of the things that Alen was helping you with?

11:49AM 25 A Yes.

11:49AM 1 Q And if we go to the second bubble, in response, is he
11:49AM 2 talking to you also about Dae Han's case?
11:49AM 3 A Yes.
11:49AM 4 Q The gun case we just talked about?
11:49AM 5 A Yes.
11:49AM 6 Q If we go to page two, is he giving you an update in blue
11:50AM 7 there that he will have reports related to Dae Han's case in a
11:50AM 8 week?
11:50AM 9 A Yes.
11:50AM 10 Q And then are you asking below that for updates on a gun
11:50AM 11 that was taken by the police related to you?
11:50AM 12 A Yes.
11:50AM 13 Q And if we go to page three.
11:50AM 14 Do you let Mr. Kaneshiro know that you've been laying
11:50AM 15 low with Johnnie Stancil?
11:50AM 16 A Yes.
11:50AM 17 MR. NAMMAR: Move to admit 1-944.
11:50AM 18 THE COURT: Any objection?
11:50AM 19 MR. KENNEDY: No objection.
11:50AM 20 THE COURT: 1-944 is admitted. You may publish.
11:50AM 21 (Exhibit 1-944 was received in evidence.)
11:50AM 22 BY MR. NAMMAR:
11:50AM 23 Q Thank you. All right, if we can start with the contact.
11:50AM 24 This is the contact for Alen Kaneshiro?
11:51AM 25 A Yes.

11:51AM 1 Q If we look at the first text message, are you asking for
11:51AM 2 an update on your pending case -- an impending investigation?

11:51AM 3 A I'm not sure if it's mine or Dae Han's.

11:51AM 4 Q Did it appear to you from your interactions with Alen
11:51AM 5 Kaneshiro where he had a source of information where he could
11:51AM 6 get information from the police?

11:51AM 7 A Yes.

11:51AM 8 Q And did you think that that was helpful?

11:51AM 9 A Yes.

11:51AM 10 Q In response here, is Mr. Kaneshiro telling you "nothing
11:51AM 11 yet," but that he's concerned about the gun they recovered in
11:51AM 12 Dae's case?

11:51AM 13 Do you see that?

11:51AM 14 A Yes.

11:51AM 15 Q Is that in reference to the stolen car that he was
11:51AM 16 arrested in, in December of 2016, Mr. Moon?

11:51AM 17 A Yes.

11:52AM 18 Q And if we go to the next page, you respond, "Why, what
11:52AM 19 happened? Oh, I see what you mean." Scrolling down.

11:52AM 20 And then on the left side, Mr. Kaneshiro said, "I
11:52AM 21 should have the reports for Dae's case in a week."

11:52AM 22 Do you see that?

11:52AM 23 A Yes.

11:52AM 24 Q Do you ask him going down, "As far as the gun and all that
11:52AM 25 on my side," are you referring to yourself there?

11:52AM 1 A Yes.

11:52AM 2 Q "Am I looking -- am I still nothing strong," right?

11:52AM 3 A Yes.

11:52AM 4 Q And his response is -- if we go on the next page, right.

11:52AM 5 Do you see that? "As far as I know."

11:52AM 6 Then following that, you tell Mr. Kaneshiro, "I've

11:52AM 7 been with Johnnie lately, laying low at his house. So I'm

11:53AM 8 probably going to keep staying here."

11:53AM 9 Do you see that?

11:53AM 10 A Yes.

11:53AM 11 Q Were you concerned at this time that you were being

11:53AM 12 investigated by law enforcement authorities?

11:53AM 13 A Yes.

11:53AM 14 Q And if we go down. In this message, you're asking for an

11:53AM 15 update from Mr. Kaneshiro and you explain that "one of my

11:53AM 16 friends said there was Suburbans all parked outside my old

11:53AM 17 Kalihi house"?

11:53AM 18 A Yes.

11:53AM 19 Q What is that a reference to?

11:53AM 20 A I was wondering if he heard anything about my Kalihi house

11:53AM 21 being raided.

11:53AM 22 Q Had you heard information about that?

11:53AM 23 A Somebody was driving by my Kalihi house. Timmy had let me

11:53AM 24 know there was a bunch of cops outside my house.

11:53AM 25 Q And were you concerned about that?

11:53AM 1 A Yes.

11:53AM 2 Q When you had contact with law enforcement, would you reach
11:54AM 3 out to Mr. Miske about things like that?

11:54AM 4 A Yes.

11:54AM 5 Q Why would you do that?

11:54AM 6 A Because I felt like he had resources to figure out what
11:54AM 7 was going on.

11:54AM 8 Q We can take that down. In the 2016 and '17 time frame,
11:54AM 9 were you also tasked to do something with Elgin Calles?

11:54AM 10 A Yes.

11:54AM 11 Q What were you tasked to do?

11:54AM 12 A We were just supposed to assault him.

11:54AM 13 Q You were supposed to assault him?

11:54AM 14 A Yes.

11:54AM 15 Q Who gave you that?

11:54AM 16 A Miller.

11:54AM 17 Q Did you ever talk to Mr. Miske about Elgin?

11:54AM 18 A He has asked about if I thought that they were really
11:54AM 19 going to get it done, because he's with multiple people, not
11:54AM 20 just me.

11:54AM 21 Q Sorry, I didn't catch that.

11:54AM 22 Could you put the mic a little closer?

11:54AM 23 A He asked me if I thought it was going to get done because
11:55AM 24 Miller went with multiple people, not just me, on multiple
11:55AM 25 different occasions.

11:55AM 1 Q So he is asking you for an update?

11:55AM 2 A Yes.

11:55AM 3 Q And who was Elgin, if you know?

11:55AM 4 A I wasn't sure at the time. I just knew he had something
11:55AM 5 to do with stevedores or something like that.

11:55AM 6 Q Can you tell the jury what the stevedores is?

11:55AM 7 A The stevedores were dock workers. They were good jobs.

11:55AM 8 Q And did you know whether in the past Mr. Miske had gotten
11:55AM 9 any people jobs there?

11:55AM 10 A I've heard he has, but I didn't know.

11:55AM 11 Q Do you end up following Elgin around?

11:55AM 12 A Yes.

11:55AM 13 Q With who?

11:55AM 14 A Me and Miller.

11:55AM 15 Q And what kind of vehicle do you recall being in with
11:55AM 16 Miller?

11:55AM 17 A I don't recall but we were in an SUV.

11:56AM 18 Q When you were in that SUV, do you recall -- when you were
11:56AM 19 following Elgin around, do you recall Mr. Miller having a phone
11:56AM 20 conversation?

11:56AM 21 A Yes.

11:56AM 22 Q Could you recognize the other person on the end of that
11:56AM 23 call's voice?

11:56AM 24 A Yes.

11:56AM 25 Q Who did you recognize that to be?

11:56AM 1 A Mike.

11:56AM 2 Q And what were the two talking about?

11:56AM 3 A I'm listening to Miller. He was letting him know that it
11:56AM 4 wasn't done yet.

11:56AM 5 Q What wasn't done?

11:56AM 6 A That Elgin -- nothing happened to Elgin.

11:56AM 7 Q So they were discussing the assault of Elgin?

11:56AM 8 A Yes.

11:56AM 9 Q Do you remember a particular time in the Kapahulu area of
11:56AM 10 Honolulu with Elgin?

11:56AM 11 A Yes.

11:56AM 12 Q What do you recall?

11:56AM 13 A We seen him stop at a restaurant in the Kapahulu area. We
11:56AM 14 were supposed to jump out and do it right there, but Miller
11:56AM 15 told us to come back.

11:57AM 16 Q Who was we?

11:57AM 17 A Me and Miller was going to get out and do it, and I don't
11:57AM 18 know if it was Norman with us or somebody else.

11:57AM 19 Q So Miller told you not to do it?

11:57AM 20 A Yes.

11:57AM 21 Q Were you ready to do it?

11:57AM 22 A Yes.

11:57AM 23 Q Were you ever made aware that there was a tracking device
11:57AM 24 on Elgin's vehicle?

11:57AM 25 A Yes.

11:57AM 1 Q How were you made aware of that?

11:57AM 2 A Because Miller was following it.

11:57AM 3 Q And how did that device work, if you know?

11:57AM 4 A He had the tracker underneath Elgin's car, and I think he

11:57AM 5 was using a burner.

11:57AM 6 Q Did you see him at times using the burner phone with the

11:57AM 7 app on it?

11:57AM 8 A Yes.

11:57AM 9 Q To track Elgin?

11:57AM 10 A Yes.

11:57AM 11 Q Do you remember at one point being at a golf course and

11:58AM 12 doing anything with that tracker?

11:58AM 13 A Yes.

11:58AM 14 Q What do you recall doing?

11:58AM 15 A We were at the golf course and he jumped out to grab the

11:58AM 16 tracker.

11:58AM 17 Q Who did?

11:58AM 18 A Miller.

11:58AM 19 Q Which golf course?

11:58AM 20 A The golf course -- the military golf course across from

11:58AM 21 FDC Honolulu.

11:58AM 22 MR. NAMMAR: Your Honor, could we publish 1-15 from

11:58AM 23 the original list?

11:58AM 24 THE COURT: Go ahead.

11:58AM 25 BY MR. NAMMAR:

11:58AM 1 Q Mr. Smith, 1-15 is up.

11:58AM 2 Do you recognize this building?

11:58AM 3 A Yes.

11:58AM 4 Q Did you do anything with respect to Elgin at this
11:58AM 5 building?

11:58AM 6 A We followed him into the parking garage.

11:58AM 7 Q Why did you do that?

11:58AM 8 A Because Miller was following him all day. We were trying
11:59AM 9 to assault him.

11:59AM 10 Q What relation to this building did you understand Elgin to
11:59AM 11 have?

11:59AM 12 A I understood Elgin lived there.

11:59AM 13 Q We can take that down.

11:59AM 14 Also in the 2016 -- around the 2016 time frame, did
11:59AM 15 Mr. Miske talk to you about a Daniel Miller?

11:59AM 16 A Yes.

11:59AM 17 Q What did he tell you about a Daniel Miller?

11:59AM 18 A He just told me that there was a -- Daniel Miller was
11:59AM 19 another club owner and they didn't really like each other.
11:59AM 20 Something happened at the club with his cousin.

11:59AM 21 Q Who was -- who did you understand to be Miller's cousin?

11:59AM 22 A Galmichi.

11:59AM 23 Q So Miske told you he didn't like Daniel Miller.

11:59AM 24 Did he ask you to do anything with respect to Daniel
11:59AM 25 Miller who was Galmichi's cousin?

12:00PM 1 A Me and Johnnie was supposed to go to the guy's
12:00PM 2 girlfriend's bar, Michelle's, and let her know we had girls
12:00PM 3 that wanted to work, and if Daniel came out, we were supposed
12:00PM 4 to assault him.
12:00PM 5 Q Miske tasked you guys to do that?
12:00PM 6 A Yes.
12:00PM 7 Q Which bar was this?
12:00PM 8 A Michelle's.
12:00PM 9 Q In furtherance of that direction, did you go do that?
12:00PM 10 A No.
12:00PM 11 Q Did you go to Michelle's?
12:00PM 12 A Yes.
12:00PM 13 Q Were you able to find Daniel Miller there?
12:00PM 14 A No.
12:00PM 15 Q You didn't see him there?
12:00PM 16 A No.
12:00PM 17 Q Later on, were you tasked with -- by Mr. Miske to do
12:00PM 18 something different with Daniel Miller?
12:00PM 19 A He let us know that we could go and burn down Daniel
12:00PM 20 Miller's house at the bottom of Pupukea.
12:00PM 21 Q If you could just pull the mic a little closer to you.
12:00PM 22 So he tasked you with burning down his house?
12:00PM 23 A Yes.
12:00PM 24 Q Where was his house?
12:00PM 25 A At the bottom of Pupukea, the north shore.

12:01PM 1 Q How did you know that he lived at the bottom of Pupukea?

12:01PM 2 A Somebody took us by his house over there. Johnnie took us

12:01PM 3 out one day.

12:01PM 4 Q Johnnie took you out and showed you his house?

12:01PM 5 A Yes.

12:01PM 6 Q When you say we, who is we?

12:01PM 7 A Me and Lance.

12:01PM 8 Q And in furtherance of that plan, did you go out there on

12:01PM 9 multiple occasions to Daniel Miller's house?

12:01PM 10 A We drove by it a bunch of times.

12:01PM 11 Q Did you talk to Lance about burning it?

12:01PM 12 A We did, but we didn't really care about doing it.

12:01PM 13 Q You didn't go through with it?

12:01PM 14 A No.

12:01PM 15 Q Was there a monetary offer made by Mr. Miske to burn down

12:01PM 16 Daniel Miller's house?

12:01PM 17 A Yes.

12:01PM 18 Q What did he offer you?

12:01PM 19 A 5,000.

12:01PM 20 Q Would John Stancil ever ask you for updates on burning

12:01PM 21 down Daniel Miller's house?

12:01PM 22 A He would let us know that we still had that job available

12:02PM 23 to do if we wanted to do it.

12:02PM 24 Q If you were hungry?

12:02PM 25 A Yes.

12:02PM 1 Q But you did not go through with it?

12:02PM 2 A No.

12:02PM 3 MR. NAMMAR: We can show the witness only now 1-908
12:02PM 4 from the original.

12:02PM 5 THE COURT: Go ahead.

12:02PM 6 BY MR. NAMMAR:

12:02PM 7 Q This is for a Samsung Galaxy.

12:02PM 8 Do you see that at the top?

12:02PM 9 A Yes.

12:02PM 10 Q And if we zoom out now, and we zoom in under user
12:02PM 11 accounts.

12:03PM 12 Do you see your name listed here in the user account?

12:03PM 13 A Yes.

12:03PM 14 Q And do you also recognize an email as one that you had
12:03PM 15 used?

12:03PM 16 A Yes.

12:03PM 17 MR. NAMMAR: Your Honor, I move to admit this
12:03PM 18 preliminary device report 1-908.

12:03PM 19 THE COURT: Any objection?

12:03PM 20 MR. KENNEDY: No objection.

12:03PM 21 THE COURT: 1-908 is admitted without objection. You
12:03PM 22 may publish it.

12:03PM 23 (Exhibit 1-908 was received in evidence.)

12:03PM 24 BY MR. NAMMAR:

12:03PM 25 Q Mr. Smith, we are looking at a preliminary device report

12:03PM 1 for a Samsung Galaxy.

12:03PM 2 Do you see that?

12:03PM 3 A Yes.

12:03PM 4 Q And if we scroll out and the user accounts, if we can zoom

12:03PM 5 in on that, that are associated with this are -- the account

12:03PM 6 name is Jake Smith; that's you, right?

12:03PM 7 A Yes.

12:03PM 8 Q And the user name is why you gotta say it like that Jake,

12:03PM 9 right?

12:03PM 10 A Yes.

12:03PM 11 Q Is that a Gmail account that you sometimes used?

12:03PM 12 A Yes.

12:03PM 13 MR. NAMMAR: And if we can show the witness now only

12:04PM 14 1-909.

12:04PM 15 THE COURT: Go ahead.

12:04PM 16 BY MR. NAMMAR:

12:04PM 17 Q Do you recognize, Mr. Smith, these as contacts from that

12:04PM 18 same phone that you had?

12:04PM 19 A Yes.

12:04PM 20 Q Some of them are for DAE. Do you recognize that as Dae

12:04PM 21 Han?

12:04PM 22 A Yes.

12:04PM 23 MR. NAMMAR: Your Honor, I move to admit 1-909.

12:04PM 24 THE COURT: Any objection, counsel?

12:04PM 25 MR. KENNEDY: No objection.

12:04PM 1 THE COURT: 1-909 then is admitted without objection,
12:04PM 2 and you may show it to the jury.
12:04PM 3 (Exhibit 1-909 was received in evidence.)
12:04PM 4 BY MR. NAMMAR:
12:04PM 5 Q Thank you. Mr. Smith, I want to walk through some of the
12:04PM 6 contacts you had on this phone. We can start with contact
12:04PM 7 number two.
12:04PM 8 Who is Dae?
12:04PM 9 A Dae Han.
12:04PM 10 Q If we can go to contact number six.
12:04PM 11 Who is Hamm?
12:04PM 12 A Lance.
12:04PM 13 Q What was that short for?
12:05PM 14 A Hammah.
12:05PM 15 Q And go to contact eight. Who was Harry Boy?
12:05PM 16 A Harry Kauhi.
12:05PM 17 Q Go to 11. Who is JB?
12:05PM 18 A John Stancil.
12:05PM 19 Q What's the B for?
12:05PM 20 A John Blane.
12:05PM 21 Q Is Blane his middle name?
12:05PM 22 A Yes.
12:05PM 23 Q And if we can scroll down to 13. It's another contact
12:05PM 24 under the name Johnnie Blane.
12:05PM 25 A Yes.

12:05PM 1 Q Would that be for Stancil?

12:05PM 2 A Yes.

12:05PM 3 Q If we could go to 17.

12:05PM 4 Do you recognize the contact under M?

12:05PM 5 A Yes.

12:05PM 6 Q Who is that for?

12:05PM 7 A Mike.

12:05PM 8 Q And if we go to 20. And that's Mike Miske?

12:05PM 9 A Yes.

12:05PM 10 Q Contact under M2, who is that for?

12:05PM 11 A That's for Mike.

12:05PM 12 Q Mike Miske as well?

12:06PM 13 A Yes.

12:06PM 14 Q And had we just looked at Shayden Wolf messages with the

12:06PM 15 contact M2 before?

12:06PM 16 A Yes.

12:06PM 17 Q If we go to number 23.

12:06PM 18 Who is Norm?

12:06PM 19 A Norman Akau.

12:06PM 20 Q And the contact right below that, Timmy boy?

12:06PM 21 A Yes.

12:06PM 22 Q Who is that?

12:06PM 23 A That was Tim Taboada.

12:06PM 24 Q Is that the person you would give your methamphetamine to,

12:06PM 25 right?

12:06PM 1 A Yes.

12:06PM 2 Q And he would sell it on your behalf?

12:06PM 3 A Yes.

12:06PM 4 MR. NAMMAR: If we can show the witness now, Your
12:06PM 5 Honor, only 1-910.

12:06PM 6 THE COURT: Go ahead.

12:06PM 7 BY MR. NAMMAR:

12:06PM 8 Q Are these text messages, Mr. Smith, from your phone with
12:06PM 9 Dae Han Moon?

12:06PM 10 A Yes.

12:06PM 11 Q And are you telling him in these messages to burn a car
12:06PM 12 that's associated with the robbery?

12:06PM 13 A Yes.

12:06PM 14 Q Did you review these prior to coming to court today?

12:07PM 15 A Yes.

12:07PM 16 MR. NAMMAR: Your Honor, I move to admit 1-910.

12:07PM 17 THE COURT: Any objection?

12:07PM 18 MR. KENNEDY: No objection.

12:07PM 19 THE COURT: 1-910 is admitted without objection. You
12:07PM 20 may publish.

12:07PM 21 (Exhibit 1-910 was received in evidence.)

12:07PM 22 BY MR. NAMMAR:

12:07PM 23 Q First the contact, Dae; that's Dae Han Moon, right?

12:07PM 24 A Yes.

12:07PM 25 Q And if we look at the first bubble, it says, "Bro, burn

12:07PM 1 the whip for real."

12:07PM 2 Do you see that?

12:07PM 3 A Yes.

12:07PM 4 Q What does whip mean?

12:07PM 5 A A car.

12:07PM 6 Q And if we go down, the response is in blue, is that from

12:07PM 7 Dae Han?

12:07PM 8 A Yes.

12:07PM 9 Q "Which one?" And then you respond, "T."

12:07PM 10 Do you know what you are referring to when you say T?

12:07PM 11 A I'm not sure.

12:07PM 12 Q But do you believe it to be a car?

12:07PM 13 A Yes.

12:07PM 14 Q And then if we be keep going down, and you say, "Just

12:07PM 15 trust me. I gotta go." He says, "No worries. Pretty much

12:08PM 16 gone already." And you're saying, "Trust me, don't leave any

12:08PM 17 trace."

12:08PM 18 What are you talking about here?

12:08PM 19 A The car was probably a stolen car we took from a robbery

12:08PM 20 we did. I didn't want him driving it around.

12:08PM 21 Q And at this time, October of 2016, were you concerned that

12:08PM 22 law enforcement was on to you?

12:08PM 23 A Yes.

12:08PM 24 Q So you wanted this car disposed of?

12:08PM 25 A Yes.

12:08PM 1 Q Do you remember the particular robbery that you did with

12:08PM 2 Dae Han Moon?

12:08PM 3 A I'm pretty sure we robbed a drug dealer up in Aiea.

12:08PM 4 Q Do you remember that person's name?

12:08PM 5 A I don't remember.

12:08PM 6 Q Okay. But you robbed him of a car?

12:08PM 7 A His car and cocaine.

12:08PM 8 Q What kind of car was it?

12:08PM 9 A I think it was a Acura.

12:08PM 10 Q An Acura?

12:08PM 11 A Yes.

12:08PM 12 Q Could a T be referring to a TL?

12:08PM 13 A Yes.

12:09PM 14 MR. NAMMAR: Can we show the witness only now 1-912.

12:09PM 15 THE COURT: Go ahead.

12:09PM 16 BY MR. NAMMAR:

12:09PM 17 Q Thank you. Are these text messages that you exchanged in

12:09PM 18 2016 with Lance Bermudez?

12:09PM 19 A Yes.

12:09PM 20 Q Under the contact Hamm, do you see that?

12:09PM 21 A Yes.

12:09PM 22 Q And are a number of these in reference to robberies that

12:09PM 23 you committed with Lance Bermudez?

12:09PM 24 A Yes.

12:09PM 25 Q And are some of them related to law enforcement

12:09PM 1 investigations of you?

12:09PM 2 A Yes.

12:09PM 3 MR. NAMMAR: Your Honor move to admit 1-912.

12:09PM 4 THE COURT: Any objection?

12:09PM 5 MR. KENNEDY: No objection.

12:09PM 6 THE COURT: 1-912 then is admitted without objection.

12:10PM 7 You may publish. Mr. Nammar, when you are through with your

12:10PM 8 question with respect to this exhibit, we should probably take

12:10PM 9 our second break.

12:10PM 10 MR. NAMMAR: Yes, Your Honor.

12:10PM 11 (Exhibit 1-912 was received in evidence.)

12:10PM 12 BY MR. NAMMAR:

12:10PM 13 Q The contact at the top, Hamm, who is that?

12:10PM 14 A Lance Bermudez.

12:10PM 15 Q Okay. You say here in the middle -- well, first of all,

12:10PM 16 the first message, if I can show you. You tell him you have a

12:10PM 17 new number.

12:10PM 18 Do you see that? This is you in green?

12:10PM 19 A Yes.

12:10PM 20 Q Were you changing your number all the time?

12:10PM 21 A I changed it a lot, yes.

12:10PM 22 Q To avoid law enforcement detection?

12:10PM 23 A Yes.

12:10PM 24 Q Okay. If we scroll down. You're saying you have an easy

12:10PM 25 one around six-ish.

12:10PM 1 Do you see that?

12:10PM 2 A Yes.

12:10PM 3 Q What are you referring to here?

12:10PM 4 A A robbery.

12:10PM 5 Q And then if we go down, you're saying, "Turtle needs to
12:11PM 6 fucking get it."

12:11PM 7 Do you see that?

12:11PM 8 A Yes.

12:11PM 9 Q Who is Turtle?

12:11PM 10 A James Salas.

12:11PM 11 Q Is this when you were mad at James Salas for the robberies
12:11PM 12 that you talked about?

12:11PM 13 A Yeah, when he was gone in my car, we couldn't find him.

12:11PM 14 Q And if we go to the next page you ask Hamm what you are
12:11PM 15 going to do.

12:11PM 16 Do you see that?

12:11PM 17 A Yes.

12:11PM 18 Q And he responds "IDK." What does that mean?

12:11PM 19 A I don't know.

12:11PM 20 Q "Looking for somebody to rob."

12:11PM 21 Do you see that?

12:11PM 22 A Yes.

12:11PM 23 Q Is that one of the common things that you would text with
12:11PM 24 him about?

12:11PM 25 A Yes.

12:11PM 1 Q We can go to the third page. Zoom in on the bottom two.

12:11PM 2 Says, "JB talking to him. He said he can set him up."

12:12PM 3 Do you see that?

12:12PM 4 A Yes.

12:12PM 5 Q Who is JB?

12:12PM 6 A She is asking who is that that Johnnie is talking about

12:12PM 7 that he can set up.

12:12PM 8 Q And what does the set up refer to?

12:12PM 9 A That Johnnie can set up for us to rob.

12:12PM 10 Q Okay. Let's move to page four. Keep going down. Sorry,

12:12PM 11 scroll up.

12:12PM 12 Is your response to the set up saying, "What's going

12:12PM 13 on here," if you could zoom in.

12:12PM 14 A We're telling him that it's easy one.

12:12PM 15 Q Okay. "Flossing stacks." What does that mean?

12:12PM 16 A He was showing money.

12:12PM 17 Q "On IG," what does that mean?

12:12PM 18 A Instagram.

12:12PM 19 Q "JB was following him today"?

12:12PM 20 A John Blane, Johnnie.

12:13PM 21 Q You are saying, "but I couldn't do it," because you were

12:13PM 22 with your kid?

12:13PM 23 A Yes.

12:13PM 24 Q If we go down you're saying, "He around Hawaii Kai and he

12:13PM 25 drive something nice."

12:13PM 1 Do you see that?

12:13PM 2 A Yes.

12:13PM 3 Q This is referring to the person you were going to rob?

12:13PM 4 A Yes.

12:13PM 5 Q If we go to page five, at the bottom there, Lance is

12:13PM 6 referring to "Yeah, I go come out, going to talk to J one fast

12:13PM 7 one."

12:13PM 8 Do you know what "J" was in reference to?

12:13PM 9 A Yes.

12:13PM 10 Q Who?

12:13PM 11 A Jason.

12:13PM 12 Q That's the Jason that you told us ran the nightclub?

12:13PM 13 A Yes.

12:13PM 14 Q That you did assaults for?

12:13PM 15 A Yes.

12:13PM 16 Q If we go to page seven, the last three messages.

12:14PM 17 Are you discussing with Lance another robbery here?

12:14PM 18 A Yes.

12:14PM 19 Q On page eight, you say in the last two messages, "We can
12:14PM 20 do Nishi if you like. Josh Kaina can set him up."

12:14PM 21 Is that referring to another robbery?

12:14PM 22 A Yes.

12:14PM 23 MR. NAMMAR: I think we can take a break now, Your

12:14PM 24 Honor.

12:14PM 25 THE COURT: All right. Let's take our second and

12:14PM 1 final trial break of the day. As we go to break, I'll remind
12:14PM 2 our jurors to please refrain from discussing the substance of
12:14PM 3 this case with anyone, including each other. Do not conduct
12:14PM 4 any independent investigation into this case; and finally, do
12:14PM 5 not access any media or other accounts of this case that may be
12:15PM 6 out there.

12:42PM 7 (Proceedings were recessed at 12:15 p.m. to 12:44
12:44PM 8 p.m.)

12:44PM 9 THE COURT: All right. Mr. Nammar, you may continue
12:44PM 10 with your direct examination when you are ready.

12:44PM 11 MR. NAMMAR: Thank you, Your Honor.

12:44PM 12 BY MR. NAMMAR:

12:44PM 13 Q I want to circle back, Mr. Smith, to something that we
12:44PM 14 talked about just to clarify something. We looked at -- I
12:45PM 15 think we look at some text messages with Tim Taboada about a
12:45PM 16 game room robbery that reference CRU.

12:45PM 17 What is CRU?

12:45PM 18 A CRU, crime reduction unit.

12:45PM 19 Q What can you tell the jury? Are those police officers?

12:45PM 20 A Those are undercover police officers.

12:45PM 21 Q With the Honolulu Police Department, is your
12:45PM 22 understanding?

12:45PM 23 A Yes.

12:45PM 24 Q And also circling back, you talked about this Shayden Wolf
12:45PM 25 assault.

12:45PM 1 You said you brought Keoni Adric, correct?

12:45PM 2 A Yes.

12:45PM 3 Q And that he did that assault?

12:45PM 4 A Yes.

12:45PM 5 Q What did you know about -- well, what was Keoni Adric
12:45PM 6 known for in the community as far as fighting?

12:45PM 7 A He was a boxer.

12:45PM 8 Q And what did you know about his boxing career?

12:45PM 9 A That he was a pretty accomplished boxer. He was good at
12:45PM 10 boxing.

12:45PM 11 MR. NAMMAR: Could we show the witness only 1-914?

12:46PM 12 THE COURT: Go ahead.

12:46PM 13 BY MR. NAMMAR:

12:46PM 14 Q Mr. Smith, from the still from this Galaxy Samsung, same
12:46PM 15 phone, are these messages with JB?

12:46PM 16 A Yes.

12:46PM 17 Q And that's John Stancil, you've testified?

12:46PM 18 A Yes.

12:46PM 19 Q Okay. Have you reviewed these messages prior to coming to
12:46PM 20 court?

12:46PM 21 A Not all of them, but I've seen them.

12:46PM 22 Q And then do you discuss robberies with John Stancil?

12:46PM 23 A Yes.

12:46PM 24 Q Do you also discuss Michael Miske in these messages?

12:46PM 25 A Yes.

12:46PM 1 Q Do you also discuss law enforcement surveillance?

12:46PM 2 A Yes.

12:46PM 3 MR. NAMMAR: Your Honor, I move to admit 1-914.

12:46PM 4 THE COURT: Any objection?

12:46PM 5 MR. KENNEDY: Counsel, how many are there?

12:46PM 6 MR. NAMMAR: There are 26 pages.

12:47PM 7 THE COURT: Looks like there are 28 pages to this

12:47PM 8 exhibit because the last two looks like a thumbnail picture is

12:47PM 9 blown up.

12:47PM 10 MR. NAMMAR: Correct.

12:47PM 11 MR. KENNEDY: No objection, Your Honor.

12:47PM 12 THE COURT: Without objection, 1-914 then is admitted

12:47PM 13 and may be published.

12:47PM 14 (Exhibit 1-914 was received in evidence.)

12:47PM 15 BY MR. NAMMAR:

12:47PM 16 Q If we can go to page one.

12:47PM 17 So you told us this contact was for Jonathan Stancil?

12:47PM 18 A Yes.

12:47PM 19 Q His middle name was Blane?

12:48PM 20 A Yes.

12:48PM 21 Q In the first message he is saying -- calling you up by

12:48PM 22 your full name.

12:48PM 23 Do you see that?

12:48PM 24 A Yes.

12:48PM 25 Q And if we go to the second page in green there, and the

12:48PM 1 three at the bottom, really. You say, "LOL, bad life. FBI
12:48PM 2 looking, LOL."
12:48PM 3 What is LOL?
12:48PM 4 A Probably something he told me about us being surveilled by
12:48PM 5 the feds.
12:48PM 6 Q So FBI -- you are referencing to the FBI is looking for
12:48PM 7 you here?
12:48PM 8 A It's like they are watching.
12:48PM 9 Q If we go to the next page, you say in green, "No, for
12:48PM 10 real, they said me and Hamm's name specifically."
12:49PM 11 Do you see that?
12:49PM 12 A Yes.
12:49PM 13 Q Is that in reference to the FBI?
12:49PM 14 A I'm not sure what it's talking about right here.
12:49PM 15 Q Okay. If we scroll down now, and then is this John in
12:49PM 16 blue?
12:49PM 17 A Yes.
12:49PM 18 Q He goes on to say, "Bro, JS called me."
12:49PM 19 What does that refer to?
12:49PM 20 A That Mike just called him.
12:49PM 21 Q Scroll down. And then it says, "He said you need to go
12:49PM 22 talk to him."
12:49PM 23 What does that refer to?
12:49PM 24 A That Mike said I need to come and talk to him.
12:49PM 25 Q Would you often get messages like this relayed through

12:49PM 1 John Stancil regarding Michael Miske?

12:49PM 2 A Yes.

12:49PM 3 Q Okay. If we scroll down, it goes on to say, "Important."

12:49PM 4 Do you see that?

12:49PM 5 A Yes.

12:49PM 6 Q And then, "Bro told me tell you go see him."

12:49PM 7 Do you see that?

12:49PM 8 A Yes.

12:49PM 9 Q Who is the "bro" referring to?

12:49PM 10 A To Mike.

12:50PM 11 Q And then you respond on the next page, "Why is he helping

12:50PM 12 that person?"

12:50PM 13 Do you see that?

12:50PM 14 A Yes.

12:50PM 15 Q Are you referring to Teiti here?

12:50PM 16 A I think so.

12:50PM 17 Q We will talk about that more later on. Response that

12:50PM 18 comes back is "ATF."

12:50PM 19 Do you know what that refers to?

12:50PM 20 A I didn't at the time. I just know it was some sort of

12:50PM 21 fed.

12:50PM 22 Q Federal law enforcement?

12:50PM 23 A Yes.

12:50PM 24 Q If we go down, and then stop there. "ATF," he said,

12:50PM 25 "Well, kind of same as feds. They deal with each other."

12:50PM 1 Do you see that?

12:50PM 2 A Yes.

12:50PM 3 Q That's John to you, right?

12:50PM 4 A Yes.

12:50PM 5 Q And when he said "he said," who did you think that he was

12:50PM 6 in this message?

12:50PM 7 A Mike.

12:51PM 8 Q And then scroll down. And then here, you say, "Teiti

12:51PM 9 going around saying," you see that?

12:51PM 10 A Yes.

12:51PM 11 Q "She meeting with Mike"?

12:51PM 12 A Yes.

12:51PM 13 Q Who was Teiti?

12:51PM 14 A It was a girl from Waimanalo.

12:51PM 15 Q Okay. And is this Mike? Who does that refer to?

12:51PM 16 A To Mike Miske.

12:51PM 17 Q What is your opinion of Teiti at the time?

12:51PM 18 A She wasn't with us at the time.

12:51PM 19 Q That she wasn't to be trusted?

12:51PM 20 A No.

12:51PM 21 Q So you are letting John know this?

12:51PM 22 A Yes.

12:51PM 23 Q And you wanted him to tell Mike?

12:51PM 24 A Yes.

12:51PM 25 Q Scroll down. Keep going. Keep going. Stop. So you are

12:51PM 1 telling him, "I know. Tell him no help her."

12:52PM 2 This is about Teiti?

12:52PM 3 A Yes.

12:52PM 4 Q You are referring to tell Mike?

12:52PM 5 A Yes.

12:52PM 6 Q And then scrolling down, John says, "Bro don't know her."

12:52PM 7 Who is the bro that's being referred to here?

12:52PM 8 A Mike.

12:52PM 9 Q And if we keep going, he said ATF; do you see that?

12:52PM 10 A Yes.

12:52PM 11 Q That's referring to that federal law enforcement agency?

12:52PM 12 A Yes.

12:52PM 13 Q And then does the topic change here? "Got one long

12:52PM 14 12-millimeter, one easy one, if you guys hunting."

12:52PM 15 Do you see that?

12:52PM 16 A Yes.

12:52PM 17 Q What is that referring to?

12:52PM 18 A He is telling us that there's a 12 millimeter chain if we
12:52PM 19 want to go ahead and do it.

12:52PM 20 Q What does hunting refer to?

12:52PM 21 A If we are going to rob.

12:52PM 22 Q If you go down. Mr. Stancil says, "Text you the pic. I'm
12:52PM 23 watching him."

12:52PM 24 Do you see that?

12:52PM 25 A Yes.

12:52PM 1 Q What does that refer to?

12:52PM 2 A That he's -- he knows who the guy is; he is watching him.

12:53PM 3 Q If we keep scrolling down. Your response is "K." And

12:53PM 4 then keep going down. Mr. Stancil says, "34-inch at least 12

12:53PM 5 millimeter."

12:53PM 6 What is that referring to?

12:53PM 7 A The size of the chain.

12:53PM 8 Q If we keep going to the next page you say, "K." He says

12:53PM 9 "bingo." And stop there.

12:53PM 10 Does he send you a picture?

12:53PM 11 A Yes.

12:53PM 12 Q And this is of the target -- the robbery target?

12:53PM 13 A Yes.

12:53PM 14 Q If we can go now to the second to the last page. Zoom

12:53PM 15 out.

12:53PM 16 Is this that same picture blown up?

12:53PM 17 A Yes.

12:53PM 18 Q So he is sending you this picture as intel, like you

12:53PM 19 talked about earlier for robberies?

12:53PM 20 A Yes.

12:53PM 21 Q Did you go through with that one?

12:53PM 22 A No.

12:53PM 23 Q Can we go to page eight? Is Stancil asking how Hammah is

12:54PM 24 doing?

12:54PM 25 A Yes.

12:54PM 1 Q Who is Hammah?

12:54PM 2 A Lance Bermudez.

12:54PM 3 Q Okay. And you go on to talk more about Teiti; do you see

12:54PM 4 that?

12:54PM 5 A Yes.

12:54PM 6 Q "Wondering why bro helping."

12:54PM 7 Do you see that?

12:54PM 8 A Yes.

12:54PM 9 Q Could we go to page 13 now. If you can zoom in on the

12:55PM 10 Mocheese (phonetic) message, second from the top. "Mocheese

12:55PM 11 baby. LMAO."

12:55PM 12 Do you see that?

12:55PM 13 A Yes.

12:55PM 14 Q Does LMAO mean laughing my ass off?

12:55PM 15 A Yes.

12:55PM 16 Q What is Mocheese?

12:55PM 17 A He was a pimp.

12:55PM 18 Q He was a pimp?

12:55PM 19 A Yes.

12:55PM 20 Q What did you do with that pimp?

12:55PM 21 A We robbed him.

12:55PM 22 Q Who robbed him?

12:55PM 23 A Me, Lance, and Dae Han.

12:55PM 24 Q What did you get from Mocheese?

12:55PM 25 A His gun, we took his car and whatever drugs was in the

12:55PM 1 house.

12:55PM 2 Q And if we scroll down, and then keep going down. Stop

12:55PM 3 right there.

12:55PM 4 "On camera," do you see that?

12:55PM 5 A Yes.

12:55PM 6 Q Keep going down. "I know your hoodie from your uncle."

12:56PM 7 Do you see that?

12:56PM 8 A Yes.

12:56PM 9 Q What is he referring to here?

12:56PM 10 A That I was wearing a hoodie from one of my friend's

12:56PM 11 clothing stores.

12:56PM 12 Q When you robbed Mocheese?

12:56PM 13 A Yes.

12:56PM 14 Q So he is talking about how it's on camera?

12:56PM 15 A Yes.

12:56PM 16 Q And if we keep going, and then you say, "What hoodie?"

12:56PM 17 And he is saying, "A and D, bro."

12:56PM 18 What is that referring to?

12:56PM 19 A Armed and dangerous.

12:56PM 20 Q The hoodie that you were wearing?

12:56PM 21 A Yes.

12:56PM 22 Q And if we go down.

12:56PM 23 You say, "Did they know it was me?"

12:56PM 24 Do you see that?

12:56PM 25 A Yes.

12:56PM 1 Q So you are asking if the people knew it was you on the
12:56PM 2 video?
12:56PM 3 A Yes.
12:56PM 4 Q You scroll down. "Dangerous click." Who is that
12:56PM 5 referring to?
12:56PM 6 A To the clothing brand.
12:56PM 7 Q Keep going down. Keep going down. Says "Dae Dae and
12:57PM 8 Smithers strike again."
12:57PM 9 Do you see that?
12:57PM 10 A Yes.
12:57PM 11 Q What does that refer to?
12:57PM 12 A Me and Dae Han.
12:57PM 13 Q Is Dae Dae a nickname for Dae Han?
12:57PM 14 A Yes.
12:57PM 15 Q Smithers is your nickname sometimes?
12:57PM 16 A Yes.
12:57PM 17 Q And then if we go down. Keep going down. Stop there.
12:57PM 18 What is he saying here?
12:57PM 19 A They said that they knew it was Dae, but he is telling
12:57PM 20 them it wasn't Dae.
12:57PM 21 Q So he is covering for you guys?
12:57PM 22 A Yes.
12:57PM 23 Q And if you keep going down. Stop.
12:57PM 24 And then they asked who the other guy was, right?
12:57PM 25 A Yes.

12:57PM 1 Q And he is saying, "I have no idea," right? But he just
12:58PM 2 told you in this message that he did know who it was, right?
12:58PM 3 A Yes.
12:58PM 4 Q Going down. "I knew it was you." Keep going down. Keep
12:58PM 5 going down. He is saying, "I knew it was you." Can we go to
12:58PM 6 page 20. And then "Braddah, come see you," if we can zoom in
12:58PM 7 on that. This is you reaching out to Stancil again, asking if
12:59PM 8 Braddah come see you.
12:59PM 9 Who are you referring to there?
12:59PM 10 A To Mike.
12:59PM 11 Q And if you scroll down, John says no, right? And then he
12:59PM 12 goes on to say "yesterday talked to him. Said you guys got to
12:59PM 13 talk." Going down. "Go see him."
12:59PM 14 Is this referring to Mike Miske?
12:59PM 15 A Yes.
12:59PM 16 Q And then Stancil says, "Tell him you hungry."
12:59PM 17 What does that refer to?
12:59PM 18 A Tell him I want to work.
12:59PM 19 Q What kind of work?
12:59PM 20 A Whatever crime we are going to do to make money.
12:59PM 21 Q Going down. Keep going down. Stop right there. John
01:00PM 22 says, "You guys going be ready tonight if I call you?"
01:00PM 23 What does that refer to?
01:00PM 24 A To be ready to hit something if he calls us.
01:00PM 25 Q A robbery?

01:00PM 1 A Probably. Whatever it's going to be.

01:00PM 2 Q And if we keep going down. Keep going down. You tell him

01:00PM 3 you are ready all the time?

01:00PM 4 A Yes.

01:00PM 5 Q Keep going down. And then if we go to next one and stop.

01:00PM 6 It says, "Going to have somebody at Kunia tonight."

01:00PM 7 Do you see that?

01:00PM 8 A Yes.

01:00PM 9 Q Going down. A rave, do you see that?

01:00PM 10 A Yes.

01:00PM 11 Q Go down. "Oni know where Milano ten-millimeter or

01:00PM 12 12-millimeter."

01:00PM 13 What is that referring to?

01:00PM 14 A Chain size.

01:00PM 15 Q Is this another robbery, he is giving you intelligence for

01:00PM 16 it?

01:00PM 17 A Yes.

01:00PM 18 Q If you go to the next page.

01:01PM 19 He says at the top, "Send you a pic," right?

01:01PM 20 A Yes.

01:01PM 21 Q So he is going to send you a photo of the robbery target.

01:01PM 22 And then going down. You tell him, "We are at the rave now.

01:01PM 23 You got a pic of the boy?"

01:01PM 24 Do you see that?

01:01PM 25 A Yes.

01:01PM 1 Q And then he sends you a pic.

01:01PM 2 Do you see that?

01:01PM 3 A Yes.

01:01PM 4 Q We can go to the last page. One more down. Is this the

01:01PM 5 pic that he sent you just blown up?

01:01PM 6 A Yes.

01:01PM 7 Q Did you go through with the robbery there?

01:01PM 8 A No.

01:01PM 9 Q Okay. If we go to page 24. You're telling him "We stay

01:02PM 10 at the M."

01:02PM 11 Do you see that?

01:02PM 12 A Yes.

01:02PM 13 Q What is the M?

01:02PM 14 A The nightclub Mike owns.

01:02PM 15 Q Okay. And then going down, you're saying, "I might yank

01:02PM 16 one chain over here. What you think?"

01:02PM 17 What's that referring to?

01:02PM 18 A I'm asking him if it's okay to yank a chain over there.

01:02PM 19 Q Why were you asking him that?

01:02PM 20 A Because I wanted to know if it was okay to do it there at

01:02PM 21 the club.

01:02PM 22 Q Because it was Mike's club?

01:02PM 23 A Yes.

01:02PM 24 Q Going down, he is saying, "no mask."

01:02PM 25 Do you see that?

01:02PM 1 A Yes.

01:02PM 2 Q Is this around Halloween?

01:02PM 3 A Yes.

01:02PM 4 Q Do you know what he is saying with respect to no mask

01:02PM 5 here?

01:02PM 6 A Yes.

01:02PM 7 Q What is he saying?

01:02PM 8 A He is saying no, because I don't have a mask on.

01:02PM 9 Q If you go down, he is saying, "When they leave, follow."

01:02PM 10 What is that referring to?

01:02PM 11 A If they leave the club then we can do it, follow.

01:03PM 12 Q And then going down, "cut off."

01:03PM 13 What does that refer to?

01:03PM 14 A I'm not sure.

01:03PM 15 Q Going to the next page, you text him and say, "Know

01:03PM 16 anybody? We hungry."

01:03PM 17 A Yes.

01:03PM 18 Q Are you looking for other targets here?

01:03PM 19 A Yes.

01:03PM 20 Q In response, does he say, "I let you know"? Scroll down,

01:03PM 21 "I go see."

01:03PM 22 Do you see that?

01:03PM 23 A Yes.

01:03PM 24 Q Couple days later do you ask him, "Bro, I know where the

01:03PM 25 chain boy is"?

01:03PM 1 A Yes.

01:03PM 2 Q What is that referring to? Another robbery?

01:03PM 3 A Probably.

01:04PM 4 MR. NAMMAR: Can we go to 1-915 now, Your Honor? Just
01:04PM 5 for the witness from the original list.

01:04PM 6 THE COURT: Give me the number again, 1-915?

01:04PM 7 MR. NAMMAR: Yes.

01:04PM 8 THE COURT: Okay. Go ahead.

01:04PM 9 BY MR. NAMMAR:

01:04PM 10 Q Is this another series of text messages on your same
01:04PM 11 phone, the Samsung Galaxy?

01:04PM 12 A Yes.

01:04PM 13 Q Is that with John Stancil?

01:04PM 14 A Yes.

01:04PM 15 Q And if we go to the second page, does this also relate to
01:04PM 16 another robbery?

01:04PM 17 A Yes.

01:04PM 18 MR. NAMMAR: Your Honor, I move to admit 1-915 which
01:04PM 19 is three pages.

01:04PM 20 THE COURT: Any objection?

01:04PM 21 MR. KENNEDY: Pages?

01:04PM 22 MR. NAMMAR: Three pages.

01:04PM 23 MR. KENNEDY: No objection.

01:05PM 24 THE COURT: 1-915 is admitted then. You may publish.

01:05PM 25 (Exhibit 1-915 was received in evidence.)

01:05PM 1 BY MR. NAMMAR:

01:05PM 2 Q We can go to page two and zoom in on the first message.

01:05PM 3 "You ready to do McKenna?"

01:05PM 4 Do you see that?

01:05PM 5 A Yes.

01:05PM 6 Q This is John asking you that?

01:05PM 7 A Yes.

01:05PM 8 Q And your response is, "Always."

01:05PM 9 A Yes.

01:05PM 10 Q Who is McKenna?

01:05PM 11 A That was somebody else from our side with a chain.

01:05PM 12 Q Another robbery?

01:05PM 13 A Yes.

01:05PM 14 Q And then he goes down. Going down he says "K," and he is

01:05PM 15 saying, "That's an easy one, brah."

01:05PM 16 Do you see that?

01:05PM 17 A Yes.

01:05PM 18 Q What does that refer to?

01:05PM 19 A That would be an easy robbery.

01:05PM 20 Q If we go to page three, you say, "Call me when you are up.

01:06PM 21 I like invest."

01:06PM 22 Do you see that?

01:06PM 23 A Yes.

01:06PM 24 Q Do you know what you are referring to there?

01:06PM 25 A No.

01:06PM 1 Q We go down. His response is, "Bad schedule. Today makes
01:06PM 2 one year since my nephew accident. Going to meet bro later."

01:06PM 3 Do you see that?

01:06PM 4 A Yes.

01:06PM 5 Q What is that referring to?

01:06PM 6 A I'm not sure. He just says he can't meet that day
01:06PM 7 probably.

01:06PM 8 Q Okay. The nephew, did you believe that was referring to
01:06PM 9 Caleb?

01:06PM 10 A Yes.

01:06PM 11 Q And bro, who do you believe that's referring to?

01:06PM 12 A Mike.

01:06PM 13 Q And then going down, you say, "What, Bay?"

01:06PM 14 Do you see that?

01:06PM 15 A Yes.

01:06PM 16 Q And he says, "Yeah, Bay later."

01:06PM 17 What does that refer to?

01:06PM 18 A We are asking if we were going to meet up at the Bay.

01:06PM 19 Q Is that the Bay that you've already testified to in Hawaii
01:06PM 20 Kai?

01:06PM 21 A Yes.

01:07PM 22 MR. NAMMAR: Can we go now to show the witness only
01:07PM 23 1-918?

01:07PM 24 THE COURT: Go ahead.

01:07PM 25 BY MR. NAMMAR:

01:07PM 1 Q Thank you. I believe you already testified to earlier
01:07PM 2 that M was a contact for Mr. Miske?
01:07PM 3 A Yes.
01:07PM 4 Q Are these messages with Mr. Miske?
01:07PM 5 A Yes.
01:07PM 6 Q Zoom out. Are you asking him to talk to Alen in one of
01:07PM 7 these on the bottom?
01:07PM 8 A Yes.
01:07PM 9 Q And on the next page, are you talking to him about Teiti?
01:07PM 10 A Yes.
01:07PM 11 Q And on the third page and fourth, are you asking him to
01:08PM 12 borrow money as in scrips?
01:08PM 13 A Yes.
01:08PM 14 MR. NAMMAR: Your Honor, I move to admit 1-918 which
01:08PM 15 is four total pages.
01:08PM 16 THE COURT: Mr. Kennedy, any objection?
01:08PM 17 MR. KENNEDY: No objection.
01:08PM 18 THE COURT: 1-918 is admitted then without objection,
01:08PM 19 and you may show it to the jury.
01:08PM 20 (Exhibit 1-918 was received in evidence.)
01:08PM 21 BY MR. NAMMAR:
01:08PM 22 Q So if we can just start with the first message. This is
01:08PM 23 October 2016.
01:08PM 24 Do you see that on the bottom left?
01:08PM 25 A Yes.

01:08PM 1 Q And then you're saying, "When you are not busy, can I come
01:08PM 2 talk to you and make sure Alen is on deck and he is ready to
01:08PM 3 go?"
01:08PM 4 A Yes.
01:08PM 5 Q Who is the Alen that you are referring to?
01:08PM 6 A The lawyer Kaneshiro.
01:08PM 7 Q The one that you showed us the tattoo of Lance Bermudez's
01:09PM 8 arm?
01:09PM 9 A Yes.
01:09PM 10 Q We scroll down. You're asking to come to the office.
01:09PM 11 Keep going down. "Can you talk to Alen?"
01:09PM 12 That's the same lawyer, right?
01:09PM 13 A Yes.
01:09PM 14 Q Keep going down. "Bro, you meet one girl name Teiti."
01:09PM 15 A Yes.
01:09PM 16 Q Is that the same Teiti that you were talking to John
01:09PM 17 Stancil about?
01:09PM 18 A Yes.
01:09PM 19 Q Going down. Are you telling her that she is real bad
01:09PM 20 news?
01:09PM 21 A Yes.
01:09PM 22 Q In other words, like you testified, she can not be
01:09PM 23 trusted?
01:09PM 24 A Yes.
01:09PM 25 Q And in response, does Mr. Miske say "call me"?

01:09PM 1 A Yes.

01:09PM 2 Q Can we go to page three? Are you telling him in response

01:09PM 3 that you are calling?

01:09PM 4 A Yes.

01:09PM 5 Q And on this message right here, are you asking to -- you

01:10PM 6 say, "Bro, you get a little bit of change on you?"

01:10PM 7 Do you see that?

01:10PM 8 A Yes.

01:10PM 9 Q What are you asking here?

01:10PM 10 A If I can borrow money.

01:10PM 11 Q Would you sometimes borrow money from Mr. Miske?

01:10PM 12 A Sometimes.

01:10PM 13 Q If we go to page four. If we can zoom in on that.

01:10PM 14 Are you asking to borrow some scrips here?

01:10PM 15 A Yes.

01:10PM 16 Q What are scrips?

01:10PM 17 A Money.

01:10PM 18 Q This is you asking to borrow money again?

01:10PM 19 A Yes.

01:10PM 20 MR. NAMMAR: Can we show the witness only 1-927 now?

01:10PM 21 THE COURT: Go ahead.

01:10PM 22 BY MR. NAMMAR:

01:10PM 23 Q Thank you. This is for a Moto G phone. This is a

01:10PM 24 different phone than what we just looked at; right, Mr. Smith?

01:11PM 25 A Um-hm.

01:11PM 1 Q Do you recognize the account name there is yours?

01:11PM 2 A Yes.

01:11PM 3 MR. NAMMAR: Your Honor, move to admit 1-927.

01:11PM 4 THE COURT: Any objection?

01:11PM 5 MR. KENNEDY: No objection.

01:11PM 6 THE COURT: That one-page document is admitted, 1-927.

01:11PM 7 You may publish.

01:11PM 8 (Exhibit 1-927 was received in evidence.)

01:11PM 9 BY MR. NAMMAR:

01:11PM 10 Q If you could zoom in on device report, this is for a

01:11PM 11 different phone, Moto G as shown here?

01:11PM 12 A Yes.

01:11PM 13 Q And if we look under user accounts, it has you listed as

01:11PM 14 Jake Smith with the same email that we just looked at, correct?

01:11PM 15 A Yes.

01:11PM 16 Q Actually, I think it's a different one. "LOVENJAKE4ever."

01:11PM 17 Do you see that?

01:11PM 18 A Yes.

01:11PM 19 MR. NAMMAR: Could we show the witness 1-928?

01:11PM 20 THE COURT: Yes.

01:11PM 21 BY MR. NAMMAR:

01:11PM 22 Q Do you recognize these as contacts or contact lists from

01:12PM 23 that same phone, Mr. Smith?

01:12PM 24 A Yes.

01:12PM 25 MR. NAMMAR: Your Honor, I move to admit 1-928.

01:12PM 1 THE COURT: Any objection?

01:12PM 2 MR. KENNEDY: No objection.

01:12PM 3 THE COURT: 1-928 then is admitted. You may publish.

01:12PM 4 (Exhibit 1-928 was received in evidence.)

01:12PM 5 BY MR. NAMMAR:

01:12PM 6 Q We could just zoom in on the first one.

01:12PM 7 This is a contact for Alen. Who is that?

01:12PM 8 A Yes Alen Kaneshiro.

01:12PM 9 Q The same attorney we have been talking about?

01:12PM 10 A Yes.

01:12PM 11 Q And then going down, Harry, who is that?

01:12PM 12 A Harry Kauhi.

01:12PM 13 Q Six Johnnie Squirrelcho? Do you see that?

01:12PM 14 A Yes.

01:12PM 15 Q Who is that?

01:12PM 16 A Johnnie.

01:12PM 17 Q Is that another nickname for him?

01:12PM 18 A Yes.

01:12PM 19 Q And then nine, Timmy. Who is that?

01:12PM 20 A Timmy Taboada.

01:13PM 21 Q The person that sold drugs for you?

01:13PM 22 A Yes.

01:13PM 23 MR. NAMMAR: Can we show the witness only 1-929 at

01:13PM 24 this time, Your Honor?

01:13PM 25 THE COURT: You may.

01:13PM 1 BY MR. NAMMAR:

01:13PM 2 Q Do you recognize the number at the top as Lance Bermudez's
01:13PM 3 number?

01:13PM 4 A Yes.

01:13PM 5 Q And looking at the first message, does this message relate
01:13PM 6 to law enforcement activity?

01:13PM 7 A Yes.

01:13PM 8 Q And do you have a number of discussions with him in here
01:13PM 9 about the same topic?

01:13PM 10 A Yes.

01:13PM 11 MR. NAMMAR: Your Honor, I move to admit 1-929.

01:13PM 12 THE COURT: Any objection?

01:13PM 13 MR. KENNEDY: No objection.

01:13PM 14 THE COURT: 1-929 is admitted. You may show it to the
01:14PM 15 jury.

01:14PM 16 (Exhibit 1-929 was received in evidence.)

01:14PM 17 BY MR. NAMMAR:

01:14PM 18 Q In the first message if we could zoom in on it. What are
01:14PM 19 you talking about here, "they raided the Kalihi house"?

01:14PM 20 A I'm talking about the Kalihi house getting raided.

01:14PM 21 Q That's where you used to live?

01:14PM 22 A Yes.

01:14PM 23 Q And you're letting Lance know about this?

01:14PM 24 A Yes.

01:14PM 25 Q Did he at one point live there?

01:14PM 1 A Yes.

01:14PM 2 Q And in response, Lance is saying, we haven't been there,
01:14PM 3 meaning you. And going to the next page, you're saying, "They
01:14PM 4 are looking for you hard."

01:14PM 5 Do you see that?

01:14PM 6 A Yes.

01:14PM 7 Q Did you believe that law enforcement was trying to find
01:14PM 8 you to arrest you at this point?

01:14PM 9 A Yes.

01:14PM 10 Q And going down, you say you're leaving Alen's.

01:15PM 11 Who does that refer to?

01:15PM 12 A Alen Kaneshiro.

01:15PM 13 Q And you are asking to borrow money?

01:15PM 14 A Yes.

01:15PM 15 Q That's what scrips is?

01:15PM 16 A Yes.

01:15PM 17 Q Is that something that sometimes Lance would do is loan
01:15PM 18 you money?

01:15PM 19 A We would loan each other money.

01:15PM 20 Q And he is telling you in response, "Come back, Alen." And
01:15PM 21 then keep going down. "Coming." "Stay in front." "Where are
01:15PM 22 you?"

01:15PM 23 Are you making plans to meet him here?

01:15PM 24 A Yes.

01:15PM 25 Q Going down. Stop there. Are you apologizing to him here?

01:15PM 1 A Yes.

01:15PM 2 Q At some point, did you -- around this time, did you guys
01:16PM 3 get into a dispute?

01:16PM 4 A Yes.

01:16PM 5 Q What would you get into a dispute about?

01:16PM 6 A Robberies, money.

01:16PM 7 Q Did you eventually make up?

01:16PM 8 A Yes.

01:16PM 9 Q Going down, he is telling here -- Lance is telling you
01:16PM 10 here that he loves you?

01:16PM 11 A Yes.

01:16PM 12 Q Going down. One more. Stop. "James still in jail. You
01:16PM 13 think he went fold about that one?"

01:16PM 14 A Yes.

01:16PM 15 Q Who is James?

01:16PM 16 A Salas.

01:16PM 17 Q What were you referring to about that one?

01:16PM 18 A The home invasion we did in Kaneohe.

01:16PM 19 Q The one of Brandon Ota?

01:16PM 20 A Yes.

01:16PM 21 Q And in response, Lance says, "fuck him."

01:16PM 22 Do you see that?

01:16PM 23 A Yes.

01:16PM 24 Q You say, "Yeah, fuck him. I like him dead."

01:16PM 25 Did you really mean that?

01:16PM 1 A No.

01:16PM 2 Q After this, as you've talked about, you made up with Lance

01:17PM 3 Bermudez?

01:17PM 4 A Yes.

01:17PM 5 Q Sorry, you made up with James Salas?

01:17PM 6 A Yes.

01:17PM 7 Q Going down. Going down. He is saying here, "Alen said by

01:17PM 8 noon."

01:17PM 9 Is he referring to information that you are waiting to

01:17PM 10 get from Alen?

01:17PM 11 A I'm not too sure.

01:17PM 12 Q Going down. Going down. Going down.

01:17PM 13 What is shown here?

01:17PM 14 A A picture of a tattoo.

01:17PM 15 Q Which tattoo?

01:17PM 16 A The Alen Kaneshiro tattoo.

01:17PM 17 Q Going down, you say, "Where you blasting it?"

01:17PM 18 Do you see that?

01:17PM 19 A Yes.

01:17PM 20 Q Go down. And he says, "my left arm."

01:17PM 21 A Yes.

01:17PM 22 Q Is this when he was getting the Alen Kaneshiro tattoo?

01:18PM 23 A Yes.

01:18PM 24 Q In November of 2016?

01:18PM 25 A Yes.

01:18PM 1 Q Going down. Going down. And does he say, "Just for when
01:18PM 2 I get bail, call. I remember the number"?
01:18PM 3 A Yes.
01:18PM 4 Q In other words, to call Alen Kaneshiro. Going down. And
01:18PM 5 you ask him to send a pic when you're done. Going down.
01:18PM 6 And then, does he send you this pic?
01:18PM 7 A Yes.
01:18PM 8 Q Go to the last page.
01:18PM 9 Is that the tattoo that Lance Bermudez got on his arm
01:18PM 10 that day?
01:18PM 11 A Yes.
01:18PM 12 Q Is that number -- the same number that we have been
01:18PM 13 looking at with your text with Alen Kaneshiro?
01:19PM 14 A Yes.
01:19PM 15 MR. NAMMAR: Can we go now, Your Honor, to show the
01:19PM 16 witness only 1-933?
01:19PM 17 THE COURT: Go ahead.
01:19PM 18 BY MR. NAMMAR:
01:19PM 19 Q These messages indicate Squirrelco-Johnnie.
01:19PM 20 Can you remind me who that was?
01:19PM 21 A John Stancil.
01:19PM 22 Q Okay. We can go down to the very bottom.
01:19PM 23 Did you review these prior to today?
01:19PM 24 A Yes. Not all of them, but I seen some of them.
01:19PM 25 Q And some of them, are you talking about whether a Koa is

01:19PM 1 going to cooperate that had been arrested?

01:20PM 2 A Yes.

01:20PM 3 Q Are you also asking him -- if we go to page one, are you
01:20PM 4 also asking him for assistance in an emergency? "Come on,
01:20PM 5 brah, I need you right now."

01:20PM 6 A Yes.

01:20PM 7 MR. NAMMAR: Your Honor, I move to admit 1-933.

01:20PM 8 THE COURT: Any objection?

01:20PM 9 MR. KENNEDY: No objection.

01:20PM 10 THE COURT: 1-933 is admitted. You may publish.

01:20PM 11 (Exhibit 1-933 was received in evidence.)

01:20PM 12 BY MR. NAMMAR:

01:20PM 13 Q Thank you. If we can start on page six at the bottom. I
01:20PM 14 think these go, Mr. Smith, from the bottom to the top. So on
01:20PM 15 November 20, 2016, it says, incoming to your phone, "Heard
01:21PM 16 about Koa boy."

01:21PM 17 Do you see that?

01:21PM 18 A Yes.

01:21PM 19 Q Who is Koa boy?

01:21PM 20 A That was a mutual friend of ours.

01:21PM 21 Q The friend that got arrested?

01:21PM 22 A Yes.

01:21PM 23 Q And if you go up and it says -- keep going up, right here,
01:21PM 24 "Yep, he rat."

01:21PM 25 Do you see that?

01:21PM 1 A Yes.

01:21PM 2 Q What does rat refer to?

01:21PM 3 A That he was talking to law enforcement.

01:21PM 4 Q If we go to line 31, "Mike told me all kind charges."

01:21PM 5 Do you see that?

01:21PM 6 A Yes.

01:21PM 7 Q Who is the Mike that's being referred to here?

01:21PM 8 A Mike Miske.

01:21PM 9 Q Did Mike Miske know Koa?

01:21PM 10 A Yes.

01:21PM 11 Q Can we go to page two. Actually, can we go to page three

01:22PM 12 first. There is a reference here to McGregor's mean brah?

01:22PM 13 A Yes.

01:22PM 14 Q Who is McGregor?

01:22PM 15 A He's a UFC fighter.

01:22PM 16 Q He's a famous UFC fighter?

01:22PM 17 A Yes.

01:22PM 18 Q And if we go to page two, and zoom in on ten. This is

01:22PM 19 incoming from Johnnie.

01:22PM 20 Do you see that?

01:22PM 21 A Yes.

01:22PM 22 Q He says, "Like Chevy dealership, his punches, SMH."

01:22PM 23 A Yes.

01:22PM 24 Q What is that referring to?

01:22PM 25 A He said that he hits hard like the kick. That was at the

01:22PM 1 Chevy dealership.

01:22PM 2 Q The kick that you did?

01:22PM 3 A Yes.

01:22PM 4 Q Of Kawika?

01:23PM 5 A Yes.

01:23PM 6 Q The guy that you assaulted in Miske's direction?

01:23PM 7 A Yes.

01:23PM 8 Q If we go to the top. Message five.

01:23PM 9 Are you asking him here -- outgoing message, are you

01:23PM 10 asking him for help in an emergency?

01:23PM 11 A Yes.

01:23PM 12 Q Is that something that you would sometimes do?

01:23PM 13 A Sometimes.

01:23PM 14 MR. NAMMAR: Can we show the witness only now 1-934?

01:23PM 15 THE COURT: Yes.

01:23PM 16 BY MR. NAMMAR:

01:23PM 17 Q Thank you. Still the same phone. Are these with the

01:23PM 18 contact Timmy?

01:24PM 19 A Yes.

01:24PM 20 Q And looking at the second message, does this refer to drug

01:24PM 21 trafficking?

01:24PM 22 A Yes.

01:24PM 23 MR. NAMMAR: Your Honor, I move to admit 1-934, which

01:24PM 24 is two pages.

01:24PM 25 THE COURT: Any objection, counsel?

01:24PM 1 MR. KENNEDY: No objection.

01:24PM 2 THE COURT: 1-934 then is admitted. You may publish.

01:24PM 3 (Exhibit 1-934 was received in evidence.)

01:24PM 4 BY MR. NAMMAR:

01:24PM 5 Q Thank you. Now, Mr. Smith, it's up on the screen.

01:24PM 6 Who is Timmy again?

01:24PM 7 A That's my friend I used to give the dope to.

01:24PM 8 Q Okay. Where did he live?

01:24PM 9 A Kaneohe.

01:24PM 10 Q First message, is it -- this is from you that says, "Ask

01:24PM 11 your friend, was squad cars or looking like FBI kind."

01:24PM 12 Do you see that?

01:24PM 13 A Yes.

01:24PM 14 Q What did that relate to?

01:24PM 15 A To the house being raided in Kalihi.

01:24PM 16 Q This is the same thing that you were messaging Lance

01:24PM 17 Bermudez about?

01:24PM 18 A Yes.

01:24PM 19 Q And then going down, you ask him, "Bro, how long should

01:25PM 20 take you for move one."

01:25PM 21 What does that refer to?

01:25PM 22 A To the drugs.

01:25PM 23 Q What is one?

01:25PM 24 A A pound.

01:25PM 25 Q What kind of drugs are we talking about here?

01:25PM 1 A Ice.

01:25PM 2 Q If we go down, he says, "like a day or two."

01:25PM 3 Do you see that?

01:25PM 4 A Yes.

01:25PM 5 Q If we go to the second page, keep going down. You ask,

01:25PM 6 "How we looking, bro?" Go down. Go down. Timmy responds,

01:25PM 7 "almost done."

01:25PM 8 What is he referring to?

01:25PM 9 A He is almost done with the pound.

01:25PM 10 Q That you provided him to sell?

01:25PM 11 A Yes.

01:26PM 12 MR. NAMMAR: Can we go to 1-936.

01:26PM 13 THE COURT: Go ahead.

01:26PM 14 MR. NAMMAR: Showing the witness only.

01:26PM 15 BY MR. NAMMAR:

01:26PM 16 Q Is this another string of communications between you and

01:26PM 17 Alen Kaneshiro?

01:26PM 18 A Yes.

01:26PM 19 Q And on page two, at the bottom, is he telling you that he

01:26PM 20 is going to get information from his source soon about some

01:26PM 21 pending criminal case with you?

01:26PM 22 A Yes.

01:26PM 23 MR. NAMMAR: I move to admit 1-936.

01:26PM 24 THE COURT: Any objection?

01:26PM 25 MR. KENNEDY: Could we scroll through. No objection.

01:26PM 1 THE COURT: 1-936 is admitted. You may publish.

01:26PM 2 (Exhibit 1-936 was received in evidence.)

01:26PM 3 BY MR. NAMMAR:

01:26PM 4 Q And if we go to page one. Is this you at the top --

01:27PM 5 sorry, that's the contact for Alen, right? And looking at the

01:27PM 6 first bubble. Is this message from you?

01:27PM 7 A Yes.

01:27PM 8 Q You're telling him you are a friend of Mike and Johnnie's.

01:27PM 9 "Mike told me to call you. Can you call me back as soon as

01:27PM 10 possible?"

01:27PM 11 Do you see that?

01:27PM 12 A Yes.

01:27PM 13 Q And then going down, does he send you his address?

01:27PM 14 A Yes.

01:27PM 15 Q Going to page two, are you asking for an update on whether

01:27PM 16 he heard anything?

01:27PM 17 A Yes.

01:27PM 18 Q And then going down, it says "not yet." Going down.

01:27PM 19 Going down. "Hey Alen, did you hear anything else?"

01:27PM 20 Do you see that?

01:27PM 21 A Yes.

01:28PM 22 Q Going down. "Nothing else yet, but my guy is guaranteeing

01:28PM 23 me info tomorrow. His source took the weekend off."

01:28PM 24 Did you believe Alen Kaneshiro had a source in law

01:28PM 25 enforcement that could provide you with information about

01:28PM 1 pending investigations?

01:28PM 2 A Yes.

01:28PM 3 MR. NAMMAR: Can we show the witness now only 1-942?

01:28PM 4 THE COURT: Go ahead.

01:28PM 5 BY MR. NAMMAR:

01:28PM 6 Q Thank you. This is another preliminary device report for

01:28PM 7 a different phone, an LG Tribute 5.

01:28PM 8 Do you see that?

01:28PM 9 A Yes.

01:28PM 10 Q At the bottom there, do you recognize the user name as the

01:29PM 11 same email that we just looked at?

01:29PM 12 A Yes.

01:29PM 13 Q LOVENJAKE4ever. And that's an email that you used?

01:29PM 14 A Yes.

01:29PM 15 MR. NAMMAR: Your Honor, I moved to admit 1-942.

01:29PM 16 THE COURT: Any objection?

01:29PM 17 MR. KENNEDY: No objection.

01:29PM 18 THE COURT: 1-942 is admitted. You may publish.

01:29PM 19 (Exhibit 1-942 was received in evidence.)

01:29PM 20 BY MR. NAMMAR:

01:29PM 21 Q Thank you. Tribute 5, this is a different phone now,

01:29PM 22 correct, Mr. Smith?

01:29PM 23 A Yes.

01:29PM 24 Q And if we go to the second page and zoom in on the heading

01:29PM 25 right here.

01:29PM 1 Jacob Smith, that's you, right?

01:29PM 2 A Yes.

01:29PM 3 MR. NAMMAR: Can we show the witness only now 1-943.

01:29PM 4 BY MR. NAMMAR:

01:30PM 5 Q Is this the contact list for that phone?

01:30PM 6 A Yes.

01:30PM 7 Q Does it list some of the contacts that we have talked

01:30PM 8 about, including Johnnie Stancil?

01:30PM 9 A Yes.

01:30PM 10 MR. NAMMAR: Your Honor, I move to admit 1-943.

01:30PM 11 THE COURT: Any objection?

01:30PM 12 MR. KENNEDY: No objection.

01:30PM 13 THE COURT: 1-943 is admitted. You may publish, and

01:30PM 14 then that probably will wrap us up, Mr. Nammar, for the day.

01:30PM 15 MR. NAMMAR: Thank you, Your Honor.

01:30PM 16 BY MR. NAMMAR:

01:30PM 17 Q So just looking at the context again, Alen, that's the

01:30PM 18 attorney, right?

01:30PM 19 A Yes.

01:30PM 20 Q And going down, Johnnie, is that Johnnie Stancil?

01:30PM 21 A Yes.

01:30PM 22 MR. NAMMAR: Nothing further, Your Honor, for today.

01:30PM 23 THE COURT: Okay. We will go to break then for the

01:30PM 24 trial day. As we do so, I'll remind our jurors as I always do

01:30PM 25 to please refrain from discussing the substance of this case

01:30PM 1 with anyone, including each other, until I advise you
01:30PM 2 otherwise; please also do not access any media or other
01:30PM 3 accounts of this case that may be out there; and do not conduct
01:30PM 4 any independent investigation into the facts, circumstances, or
01:31PM 5 persons involved.

01:31PM 6 We will see you tomorrow at 8:30 as we always do and
01:31PM 7 that will be the last day of the trial week. We will see you
01:31PM 8 then.

01:31PM 9 (Proceedings were concluded at 1:31 p.m.)

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1 COURT REPORTER'S CERTIFICATE

2 I, Gloria T. Bediamol, Official Court Reporter, United
3 States District Court, District of Hawaii, do hereby certify
4 that pursuant to 28 U.S.C. §753 the foregoing is a complete,
5 true, and correct transcript from the stenographically reported
6 proceedings held in the above-entitled matter and that the
7 transcript page format is in conformance with the regulations
8 of the Judicial Conference of the United States.

9

10 DATED at Honolulu, Hawaii, May 28, 2024.

11

12

13 /s/ Gloria T. Bediamol

14 GLORIA T. BEDIAMOL.

15 RMR, CRR, FCRR

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